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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 13, 1983
Joe Jung's Restaurant
Fifth and Mission Streets

NEXT MEETING

APPEAL HEARING IN THE MATTER OF
JENKINS TRUCKING V. DOUBLE-O TRUCKING

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DATE: Thursday, January 27, 1983
TIME: 8:30 AM not 10:00 AM, regular time.
PLACE: First Floor Meeting Room
Congregation Sherith Israel
2266 California Street
(at Webster)

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

Attendance

Commissioners

Present: Phyllis Lyon (Presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, Brenda Wade.

Excused: Antonio Grafilo, Martin S. Weiner, David K. Yamakawa Jr.

Staff

Present: Grant S. Mickins, Beatrice Cardenas-Duncan, Jack Casford, Don Hesse, Stanley Lim, Clemente Obregón, Pansy Ponzio-Waller, Mary Gin Starkweather, Essie Thomas, Jackie Winnow.

------- Director Mickins introduced Ms. Beatrice Cardenas-Duncan, new Program Coordinator, who began work with the staff December 27. She succeeds the Reverend Joe Meza, who resigned in July of 1982, in the position. Ms. Cardenas-Duncan was a member of the staff of State Senator Milton Marks for eight years, and most recently served two years as Program Coordinator of San Francisco SAFE (Safety Awareness for Everyone Project) Director Mickins cited her long experience in community affairs and she was welcomed officially on behalf of the full HRC by Chairperson Lyon.

Pledge of Allegiance

Minutes of December 9, 1982 approved. The meeting scheduled for December 23 was cancelled.

COMMUNICATIONS

- From James H. Johnson, Executive Director, Mayor's Office of Housing and Community Development, informing that the 1983 Program Final Statement for the Community Development Block Grant Entitlement includes 65, 000 for the HRC's Fair Housing Program. This is a cut of $20,000, and required the HRC to terminate one professional staff worker on this project.

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- From Donald J. Birrer, Executive Director, San Francisco Clean Water Program, inviting HRC members and staff to tour Clean Water Program construction sites.

- From Carole A. Hughes, Staff Attorney, State Bar of California, Division of Trial Counsel, informing that "...I have determined that your complaint (that two San Francisco attorneys have alledgedly abused the Grand Jury process) does not warrant disciplinary action by the State Bar."

The HRC had filed a "Complaint-Abuse of Process of Criminal Grand Jury" September 14, 1982 with the State Bar, after the District Attorney's Office earlier had requested HRC files and records, issuing subpoenas for them and requiring the HRC appearance (by staff) before a Criminal Grand Jury. The District Attorney's subpoenas involved contract compliance work done by the HRC on Clean Water Program and the Moscone Convention Center.

Ms. Hughes had been assigned by the State Bar to analyze the HRC complaint She wrote November 24, 1982 that the State Bar was discontinuing its investigation as of that date.

Director Mickins then stated that he had met December 21, 1982 with the District Attorney, Arlo Smith, in the Mayor's Office, that there had been agreement that the matter had been resolved, and that there would be no further action on it.

- From Mayor Dianne Feinstein, a Memorandum, December 23, 1982, to all Department Heads and Budget Officers, detailing budget increments for Fiscal 1983-84. See Discussion under Administrative Report in these Minutes for specific applicability to HRC.

- From Earl P. Mills, Deputy Executive Director, Community Services, San Francisco Redevelopment Agency, regarding meetings with the HRC to plan implementing policies and procedures for investigating and responding to complaints of discrimination practices involving the Agency and its activities.

- From Martin E. Harband, Attorney, of the firm of Hession, Creedon, Hamlin, Kelly, Hanson & Brown, providing information about the ownership and control of Pitcher Drilling Co. regarding its application for Women Business Enterprise certification.

Director Mickins said that HRC staff initially had not found the firm to be a bona fide WBE under its guidelines. He said the firm had met twice with him at the HRC, and that he would be issuing a final determination of the WBE status.

- From Jacqueline A. Lowe, Secretary-Treasurer, J & J Sheet Metal, Inc., challenging Director Mickins' finding that the firm is not a bona fide WBE under the HRC guidelines. This letter was read in part, and details of it cited. Mr. Mickins said he also will be reviewing the points in Ms. Lowe's challenge letter. He commented on a number of the guidelines the HRC uses in determing that women are actually owners, managers, and operators of businesses.

- From Melvin D. Honowitz, Attorney, with the firm of Coffman, Honowitz & Sautter, regarding the Appeal Hearing requested of the HRC by Double-O Trucking in the matter of Jenkins Trucking. v. Double-O. Mr. Honowitz represents Double-O Trucking. That hearing will be Thursday, January 27, at 8:30 AM in the First Floor Meeting Room of Congregation Sherith Israel, 2266 California Street.

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- From John L. Taylor, Clerk of the Board of Supervisors, enclosing a copy of Resolution No. 952-82 entitled, "Urging the Mayor to Request the Human Rights Commission to Investigate and Hold Public Hearings with Respect to the Extent of Minority Business Participation in City Contracts and Procurements and to Propose Appropriate Remedial Legislation."

This Resolution was adopted by the Supervisors on December 13, was introduced by Supervisors Willie B. Kennedy (formerly of the HRC), and Doris Ward, and was signed by the Mayor December 17, 1982.

See Director's Report below on planning for these Public Hearings.

DIRECTOR'S REPORT

- Appeal Hearings

Commissioner Morrissey asked the Director the status of HRC consideration of means to reduce the number of Commissioners legally required to hear and render decisions on appeals. Director Mickins said this matter of reducing this majority had been taken up with the Ordinance Revision Committee and Administrative Committee during 1981 and 1982.

The City Charter presently mandates a majority (for the HRC, this is eight persons) as necessary. On that information from the City Attorney's Office, he said, the HRC dropped its recommendation request to the Board of Supervisors to amend the Ordinance to allow less than a majority to hear an appeal.

- HRC Service Fees

Commissioner Morrissey also inquired about the HRC's setting up fees schedules for some of its contract and appeals hearing services. Director Mickins said he was now considering a staff fee schedule proposal regarding contract work based on the number the HRC reviews.

- HRC Budget

See Administrative Committee report in these Minutes below.

- Appeals Hearings Upcoming

Director Mickins has been working most recently on two important complaints cases brought to the HRC: Skycaps at San Francisco International Airport, and Janitors at the Airport. In the former case, a meeting was held December 23 in the Mayor's Office with representatives of Airport administration, the Central San Francisco and San Mateo County Labor Councils, unions and legal counsels, at which Director Mickins was requested by the Mayor to expedite a Finding on the issue. The Skycaps case was first brought to the HRC's regular meeting of June 24, 1982.

In the complaints case involving janitors at the Airport, some 85 airplane and terminal cleaning staff have been terminated, and a new workforce brought in. The aggrieved employees are members of the Service Employees International Union. Work on this case within the HRC is under way, and Director Mickins indicated that the HRC would be deeply involved with these two cases for the next sixty days, with his Finding in the Skycaps case due the week of January 17.

- Introduction of New HRC Program Coordinator Beatrice Cardenas-Duncan.

See Attendance Section of these Minutes above.

- Hispanic Definition (for Affirmative Action Purposes) Issue.

Commissioner Soler asked if the City Attorney's Office has yet provided an opinion on this issue, which dates back to January, 1982, and which occupied much HRC and Employment Committee discussion. Director Mickins said that the last word from the City Attorney's Office was in November, when it had a draft of an opinion under review.

Commissioner Moulton, who had been one of the HRC members raising the issue, reported that the National Association for the Advancement of Colored People and the Board of Supervisors of Washington, D.C., recently had issued a report on definition of Hispanics as regards including European-born, and that she had sent for a copy of this report.

- Public Hearings on Minority Business Participation in City Contracts.

The HRC has assigned Gail P. Roberts to coordinate planning for these hearings. Extensive preparation is under way, and Commissioners expressed interest in the extent to which advance research and preparation were made. Commissioner Morrissey suggested that City agencies and departments be asked for information in advance in writing. The work and planning already is underway via a worksheet Mrs. Roberts prepared early in January as soon as the obligation to hold the hearings was communicated to the HRC.

See Administrative Committee action reported below on adding Women Business Enterprise participation to the inquiry.

The following tentative dates have been selected:

February 24 (also the date of a scheduled regular HRC meeting).

March 2

March 24 (also the date of a scheduled regular HRC meeting).

The times and places will be announced as soon as they are confirmed.

- Supervisor Dolson Hearing Request.

The HRC Minutes of December 9, page 3, stated that Supervisor Dolson, as part of a Resolution on the Redevelopment Agency, had requested that the HRC hold public hearings to determine the level of intergroup tensions as a reflection of current economic conditions.

Director Mickins reported that this had been a misunderstanding in transmittal, and that Supervisor Dolson had not, in fact, requested such hearings by the HRC.

-- Upcoming HRC Regular Meetings, Special Meetins, Appeal Hearings

Thursday, January 27, 1983 8:30 AM Congregation Sherith Israel Appeal Hearing re: Jenkins Trucking v. Double-O Trucking.

- Wednesday, February 2 4 PM to 5:30 PM Commission Room, Main Library

Followup meeting on 1/27 Appeal Hearing

- Thursday, February 10, 1983 10:00 AM Commission Room, Main Library
Regular HRC Meeting.

- February, 24, 1983 9:00 AM First Public Hearing on MBE/WBE's

Time and Place to be announced.

- March 2, 1983 Second Public Hearing on MBE/WBE's

Time and Place to be announced.

- March 10 10:00 AM Regular HRC Meeting, Commission Room, Main Library

- March 24 Third Public Hearing on MBE/WBE's
Time and place to be announced.

CHAIRPERSON'S REPORT

REPORT OF THE NOMINATING COMMITTEE

- Commissioner Soler, Chairperson, and Committee members Robert Edwards and David Yamakawa recommended the renomination of Phyllis Lyon as Chairperson, and the nomination of Brenda Wade as Vice-Chairperson.

It was

****m/s/c that the nominations be closed, that the recommendations be adopted, and that Commissioners Lyon and Wade be elected as Chairperson and Vice-Chairperson, respectively.

CHAIRPERSON'S REPORT

- Chairperson Lyon thanked the members, and stated that she felt the HRC was becoming one of the last bulwarks of advocacy for human and civil rights, given the current political and ideological status on the State and federal levels. She called for more internal communication among Commissioners and staff in the new year. She urged the Commissioners contact her regarding their Standing Committee assignments, and their positions on the continuance of the naming of co-chairpersons for these Committees.

- Recall Petition Drive by White Panthers.

Chairperson Lyon said she had learned while attending a meeting in the Mayor's Office information from the City Registrar of Voters' Office that this group, which had been conducting street solicitation of signatures for some months in the City, reportedly has submitted some 35, 000 signatures well over the approximately 17, 000 required, and that a special election will be held in April of 1983 on whether to recall Mayor Feinstein from office.

STANDING COMMITTEES

- Commissioner Moulton, Co-Chairperson of the Police Liaison/ Social Issues Committee, requested that a report from that Committee be added to the Agenda and it was

***m/s/c that this be done.

HOUSING AND URBAN DEVELOPMENT
Samuel Chung, Chairperson
Joe Jung, Member

- Proposed Resolution in Support of Permanent Shelter Facilities and Services for San Francisco's Homeless.-Donald Hesse, HRC Coordinator of the Fair Housing Program and Staff to the HUD Committee.

Commissioners were provided copies of the proposed Resolution in their packets and a Fact Sheet on Homelessness in San Francisco on the letterhead of the Central City Shelter Network. The Network, which comprised in its early stages such organizations as St. Anthony's Foundation, Hospitality House, North of Market Planning Coalition, the Salvation Army, Traveler's Aid, the Polk Street Town Hall, Conard House, and St. Vincent de Paul, had come to the HUD Committee seeking its support. The Network, Mr. Hesse said in his presentation, had been meeting since early in 1982 and the HRC had been represented at some of the meetings.

Mr. Hesse said the HUD met December 14 with representatives of Network regarding short and long-range efforts and concerns about the homeless population of the City, which has received much media attention and public interest in recent weeks. He said estimates range between 1,000 and 10,000 homeless in the City, a population changing dramatically from mostly middle-aged or elderly, single, transient males, many of them former mental patients, to the more recently unemployed, single women, women with children, family units, etc.

Mr. Hesse said that the Network feels that the City to date can be proud of the response it has made to the problem on the short term, e.g., seeing that private agencies are provided the means to open up and maintain sleeping facilities.

Mr. Hesse noted that there are newspaper reports that an unused school building on Harrison Street may be converted to permanent housing, and that there is an effort to raise funds to contract with churches to operate the facility.

On January 10 of this year, he said, the City had a reported 879 persons apply for emergency sleeping facilities, the largest number to date, and the needs, he said, are continuing to climb. The recorded numbers of those in need, he said, do not reflect the full extent of the problem.

Mr. Hesse went through the major resolves of the proposed Resolution under discussion: the need for permanent shelters; adequate shelter; the need for appropriate shelter; the need for sanitary facilities (the City is working on installing portable facilities); and the need for preserving affordable housing.

He reiterated that Network is getting a "good" response from City Hall, but that housing advocates are fearful that the issue of homelessness may in time wane in the public eye.

In response to an inquiry from Commissioner Lee about the public versus the private efforts in providing housing to the homeless, Mr. Hesse made a distinction: the City, he said, is willing to be the funding agency, to funnel the monies to private agencies, but is unwilling to be the provider and operator of housing facilities. Private agencies in the City, he said, have the expertise to implement these programs, and only lack the financial means to do so.

- Commissioner Ambrogi asked what, specifically, the HUD Committee's Resolution proposed in the way of advocacy and action, saying he felt the HRC should take a leading role in the issue.

Mr. Hesse said that the HRC would be asked to continue its support in all quarters, private and public, where work and planning is being carried out, and noted again that Network and others are concerned about long-term planning and support.

- Commissioner Sevilla called also on the HRC to do deeper research into the issue of homelessness, or the possible failure of some shelter providers (private hotels, for example) with clients housed under federal subsidies to maintain adequate housing, and on the deeper impact of homelessness beyond the Tenderloin area of the City. He said that the Mission and other communities in the City also have the problem, a statement echoed by Commissioner Moulton.

Commissioner Morrissey asked how serious the homelessness problem is, and if it were serious enough for HRC concern and was assured it is.

It was then
***m/s/c to adopt the Resolution in Support of Permanent Shelter Facilities and Services for San Francisco's Homeless. A copy of the Resolution is attached to these Minutes.

The Resolution will be sent to the Mayor and the Board of Supervisors and Network, and Mr. Hesse will continue to meet with Network as the HUD carries out the HRC charge to continue its research and work in this area. Specific areas of concern named by Commissioner Soler and others included: the extent of homelessness beyond the Tenderloin, and the use of federal monies in substandard housing.

Mr. Hesse reported that Network has spawned a sub-group---- The Providers, and expanded its own membership to include Catholic Social Services, and Old St. Mary's Housing Association.

ADMINISTRATIVE
Chairperson Phyllis Lyon

- HRC Budget for Fiscal 1983-84.

This work by HRC staff and Director Mickins has begun. The Mayor has asked that the HRC submit a budget request of $496,237 at maximum (the total amount currently budgeted for) and $446,613, at minimum.

The HRC will be requesting:

$28,178- to fund a 2992 Contract Compliance Officer to work with the City Purchasing Department.

$41,610- for contractural services to the Intergroup Clearinghouse.

$17,160- for a 2980 Specialist II, to work with the Lesbian/ Gay community.

$ 7,000- to provide an increase in the HRC members' regular meeting stipend from $15 to $25.

$92,948.

It was

***m/s/c to approve the submission of these budget requests.

- Stipends for HRC Members.

Staff had prepared a chart showing the regular meeting stipends and mileage expense allowances provided members of 24 City boards and commissions. The stipends ranged between zero (nothing is paid ten of the agencies) and $50.

Director Mickins had reccmmended to the Administrative Committee that it submit to the Board of Supervisors a proposed amendment to CHapter 12A.4 (a) of the San Francisco Administrative Code increasing the compensation (stipend) of the members of the HRC from $15 for each meeting attended to $25. It was noted that there has been no increase since 1964, and that it is among the lowest of the stipends paid City commissioners.

After discussion, it was

***m/s/c that the HRC authorize the submission, as part of the HRC budget requests, the recommendation for the amendment of Chapter 12 A 4. (a) of the San Francisco Administrative Code to increase the compensation of the members of the HRC from $15 for each meeting attended to $25.

The HRC also, said Director Mickins wishes to submit this recommended amendment jointly with the City Planning Commission and the Board of Permit Appeals, whose stipends currently are also $15 per meeting.

- Increased Number of HRC Meetings.

Due to a number of important issues requiring HRC action in the coming months (appeal hearings, public hearings, regular meetings, etc)., the Director has suggested that one additional meeting date per month for the next six months be scheduled. The Administrative Committee agreed on holding that extra meeting the first Wednesday of each month, from 4 to 7 PM.

After discussion on the personal references of various Commissioners it was agreed that the first Wednesday, from 4 to 7 PM, be accepted.

Staff has tentatively scheduled these meetings as follows:

Wednesday, February 2 4 to 5:30 PM (time limit because of a prior reservation of the room) Commission Room, Main Library.

Wednesday,March 2 4 to 7 PM Lurie Room, Main Library

Wednesday,April 6 4 to 7 PM Lurie Room, Main Library

Wednesday, May 4 4 to 7 PM Lurie Room, Main Library

Wednesday, June 1 4 to 7 PM Lurie Room, Main Library

If these arrangements prove inconvenient, an alternative meeting place will be found.

- Role of the Intergroup Clearinghouse.

Commissioner Moulton at the HRC December 9, 1982 regular meeting had initiated discussion about the role of the Intergroup Clearinghouse saying that some members of the Latino community see the Clearinghouse as one of the Standing Committees of the HRC, and she said she felt very strongly that the Clearinghouse should not handle issues that, she said, are mandated to the Police Liaison/Social Issues Committee. Director Mickins had responded by saying that discussion on this point could be scheduled for this January 13 HRC regular meeting.

Copies of a descriptive statement of the background, purpose, and proposed activities of the Intergroup Clearinghouse, prepared by Pansy Ponzio-Waller, HRC Affirmative Action Officer, who has been acting as staff to the Clearinghouse, were provided to the Commissioners.

Director Mickins said that the statement shows that the Clearinghouse in no way in its purpose or function or activities impacts on the mandate of the Standing Committees of the HRC.

- Commissioner Edwards commented that the descriptive statement was very helpful, in that he had found in various communities that there was a confusion as to the disctinction between the Clearinghouse and the Police Liaison/Social Issues Committee.

LESBIAN/GAY ADVISORY

Richard Sevilla/David K. Yamakawa Jr.-Co-Chairpersons

- Assembly Bill 1 Endorsement Reaffirmation.-Commissioner Sevilla and Cleve Jones, Administrative Aide to Assemblyman Art Agnos.

This bill, introduced by Assemblyman Agnos in the 1983-84 Regular Session of the California Assembly, has been introduced into every Session since 1976, according to Mr. Jones. The bill would forbid discrimination in employment in the state on the basis of sexual orientation, in addition to the present protected classes of race, religious creed, color, national origin, ancestry, phyiscal handicap, medical condition, marital status, sex, or age.

Mr. Jones said AB 1 has been assigned to the Assembly Labor and Employment Committee, which has acheduled hearings on it in February.

The bill applies only to employers with five or more employees, and it exempts religious institutions. It makes no provision for Affirmative Action.

It was noted that the HRC has endorsed AB 1 for the past several years.

After further discussion, it was

**** m/s/c that the HRC adopt the Resolution Reaffirming Endorsement of Assembly Bill 1.

A copy of the full Resolution is attached to these Minutes.

- Committee Report.

1. There was discussion at the December 21 meeting of the HRC position on the Domestic Partnership Ordinance, which, after discussion at the October 28 and November 18 meetings of the HRC, had been endorsed by a vote of 9 to 5 on November 18. The Mayor vetoed this Ordinance, passed by bhe Board of Supervisors, on December 8, 1982.

Dana Van Gorder, Administrative Aide to Supervisor Harry Britt, (who had introduced the Dcmestic Partnership Ordinance) brought the Committee the revised version of the Ordinance, which focuses on: registration of domestic partnership; creating a "certain consequence" of domestic partnership such as hospital and jail visitation; regulations regarding sick leave for City employees and their domestic partners; and a resolution asking the Mayor to urge Health System boards to develop plans for health insurance coverage for domestic partners. The blood relationship factor has now been eliminated, from the definition of domestic partner, said Commissioner Sevilla, and "principal domestic partner" has been struck (according to Commissioner Ambrogi.)

Acccrding to Chairperson Lyon, the Mayor reportedly will set up a blue-ribbon committee, broadly-based, to work on the health benefits issue.

2. Adolescent prostitution is a subject the Committee is considering referring to both the Youth and Education and Police Liaison/ Social Issues Committees. A number of reports have been made on youth prostitution in San Francisco, and the issue came to the Lesbian/Gay Advisory Committee as one of particular concern to their community, but, Commissioners Sevilla said, extends as a general youth and social issues problem.

3. Lesbian/Gay Advisory Committee Request for Roll-Call Votes .

The Committee had requested, at the HRC regular meeting November 18, 1982, that roll-call votes be taken at the HRC for all items it before it, because, Commissioner Sevilla said at the time, the Lesbian/ Gay Community wishes to know the HRC position on various issues by individual Commissioners. He was qu ted in the December 9 HRC Minutes as having said at the November 18 meeting, "...there are areas where we differ.. and..agree, and we want to have some sort of measure so people do know how the Lesbian/Gay Advisory Committee feels on a particular motion."

Commissioner Moulton on December 9 addressed the issue, saying she felt it set a bad precedent, and that she had grave reservations about the concept of requiring roll-call votes. Her reservations were concurred in in separate statements made by Commissioners Grafilo, Ambrogi, and Weiner. At the December 9 meeting, the Minutes show, Chairperson Lyon, Commissioner Sevilla, and Jackie Winnow (Committee staff)were not present. It was decided then that the issue would be an ggenda item for full HRC discussion at its February 10 meeting.

Commissioner Sevilla said the Committee at its December 21 meeting had discussed the issue in full. The Committee will continue its discussions on this point at its meeting before the regular February 10 HRC meeting.

Commissioner Sevilla welcomed comments from individual Commissioners and their input into discussions.

****Commissioner Soler asked that the issue of the request for a roll-call vote on Lesbian/Gay Advisory Committee motions be referred to the Administrative Committee as a matter of broader application than just on Lesbian/Gay Advisory Committee concerns and actions.

Chairperson Lyon said this already has been assigned for discussion by the Administrative Committee, which will take it up before the HRC's regular February 10 meeting.

POLICE LIAISON/SOCIAL ISSUES
Joan Zamora Moulton/Richard Sevilla- Co-Chairpersons

- Name Change of Committee.

Commissioner Moulton announced that the Committee name should be changed to read Social Issues and Police Liaison Committee.

Director Mickins said that much time had gone into creation of the committee some years ago and that he would ask, if there is no urgency, that some time be given him to consider if this and other changes can or should be made, and have the recommendations out of the Administrative Committee. He said he felt that changes in structure and form should be given some consideration by the Administrative Committee before made.

It was noted by Commissioner Sevilla that some people in the community felt, with the words Police Liaison first in the committee name, that its work was primarily in the area of Police matters and the community. Commissioner Soler said she felt the name-reversal action might change the emphasis of the Committee.

****It was agreed, after some discussion, to postpone the name-reversal proposal to a future meeting of the HRC.

- Future Activities of the PL/SI Committee.

1. The Committee plans to meet in the future with the captains of each of the district police stations.

2. The Committee wishes to meet with Captain Richard D. Klapp, Captain, Personnel and Training, SFPD, regarding the training program at the Police Academy.

- Proposed Change in Spanish-Language Format by Radio Station KBRG.

Members of the Hispanic community had brought to the Committee its concerns that the owners of this 24-hour, Spanish-language radio station have announced that they are ending this format and changing to rock music. The Coalition of Hispanics for Employment Services was represented at the Committee meeting by Juan Pifarre, who distributed a fact sheet giving the details of the Hispanic concerns. They said that loss of this resource would mean the community would be deprived of its only source of programming in Spanish 24 hours a day, that the station had obtained its broadcast license in 1980 on the grounds that it was "the Latin voice of the San Francisco Bay Area," that the proposed changeover in format did not include participation by or communication with the Hispanic community, and that a number of Hispanic employees would be terminated. It (the Coalition-CHES) said that Spanish-speaking residents would be denied information and emergency-announcement services if the format were changed.

A draft letter written by a member of the Committee was read in full by Clemente Obregón, and staff had prepared a formal draft version of that letter for the Commissioners' packets. Commissioner Moulton then retired from the meeting to compose the final version of the proposed letter, which would urge the managment of KBRG not to end the Spanish-language format.

- In the interim while Commissioner Moulton composed the final letter regarding KBRG, Commissioners informally discussed a newspaper acccunt of an interview with individual Police officers commenting on Mission Station and a recent changeover in the Captain position there; and (on inquiry from Commissioner Morrissey) the status of Latino-Gay youth relationships in the Mission. Commissioner Suncin, on the latter subject, said the situation had stabilized recently on a "live-and-let-live" basis. He said more Gay youth feel more confident about living in and being in the Mission District, and referred to the work of the Intergroup Clearinghouse more than two years ago that grew out of a confrontation situation in Dolores Park. Commissioner Sevilla did say, however, that there is still a conflict aspect to the relationships between Latino and Gay youth in the area, but that the leadership is working together.

Commissioner Sevilla announced that public hearings on the Office of Citizen Complaints would continue January 19 at 5 PM, at the Jamestown Community Center, 180 Fair Oaks.

- Commissioner Moulton, who had been aided by Director Mickins, then returned to the meeting, and the final version of the letter protesting the KBRG format chage was read in full and it was

***m/s/c to adopt it as amended. A copy is attached to these Minutes.

CALENDAR MATTERS

- The next regular meeting of the HRC is scheduled for Thursday, January 27, 1983, at 8:30 AM in the First Floor Meeting Room, called Bart Hall, at Congregation Sherith Israel, 2266 California Street (at Webster). This meeting is an Appeal Hearing in the case of Jenkins Trucking v. Double-O Trucking.

STANDING COMMITTEES

Employment	Thursday, February 3, 1983 9:30 Am 1850 Mission Street
Housing & Urban Development	To be announced.
Lesbian/Gay Advisory	Tuesday, February 15, 1983 Noon Main Library, Third Floor Commission Room Civic Center
Police Liaison/Social Issues	Chinatown North Beach Community Center Meeting Tuesday, February 1, 1983 5 PM Geen Mun Center 777 Stockton Street
Youth & Education	Thursday, January 20, 1983 3:30 PM John Adams Community College Center 1860 Hayes Street, Room 136

No Remarks from the Audience

Adjournment. The Commissioners were luncheon guests of Commissioner Jung and Mrs. Jung, an event that has become a tradition, following the meeting.

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:bclp

Resolution 1-83
Adopted by the HRC 1/13/83

Attachment 2

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

HUMAN RIGHTS COMMISSION
Resolution Reaffirming Endorsement of Assembly Bill 1

WHEREAS, the Human Rights Commission of San Francisco, pursuant to legislative mandate (Chapters 12A and 12B of the San Francisco Administrative Code and Article 33 of the Municipal (Police)Code) and basic moral and social responsibility, has gone on record in opposition to discrimination based on sexual orientation; and

WHEREAS, the Human Rights Commission has in years past endorsed Assembly Bill 1, which seeks to outlaw employment discrimination based on sexual orientation in the State of California; and

WHEREAS, Assembly Bill 1 has been introduced in the 1983 Regular Session by Assemblyman Art Agnos,

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission reaffirm its endorsement of Assembly Bill 1.

Resolution 2-83
Adopted by the HRC 1/13/83

(415) 558-4901 1095 Market Street Suite 501 San Francisco 94103

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 27, 1983
Congregation Sherith Israel 8:30 AM
Bart Memorial Meeting Room

APPEAL HEARING JOHN JENKINS TRUCKING CO, V. DOUBLE-O TRUCKING

NEXT MEETING

DATE: Thursday, February 10, 1983
TIME: 10:00 AM
PLACE: Third Floor Commission Room
Main Library, Civic Center

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FEB 9 1983
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See Page 3, under Special Order, Appeal Hearing

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

Attendance

Commissioners

Present: Phyllis Lyon, (presiding), Samuel Chung, Robert Edwards, Joe Jung, Corrinne Lee, John C. Morriesey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, Brenda Wade, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Antonio Grafilo, Martin S. Weiner.

Staff

Present: Grant Mickins, Jack Casford, Beatrice Cardenas-Duncan, Sid Glorio, Linell Harden, Don Hesse, Stanley Lim, Richard Norton, Clemente Obregon, Pansy Ponzio-Waller, Vicky Rathbone, Gail Roberts, Mary Gin Starkweather, David Treanor, Julie Ann Yim.

Pledge of Allegiance

Minutes of January 13, 1983 approved.

COMMUNICATIONS and DIRECTOR'S REPORT

- City Attorney's Opinion 83-4, of January 17, 1983 Jurisdiction of the Human Rights Commission to Hear and Decide Prevailing Wage Complaints, prepared by Burk E. Delventhal and Judith A. Boyajian. This Opinion had been requested by Director Mickins for the HRC in connection with a formal Complaint of Non-Compliance filed with the HRC by Skycaps at the San Francisco International Airport against Allied Maintenance Corporation and fourteen airline companies.

The question was whether Chapter 12B (of the City Administrative Code) 4. (c) (5) grants the HRC jurisdiction with relationship to collective bargaining agreements.

Director Mickins noted that he earlier had reported to the HRC on the status of his work on issuing a Finding in this case. The Skycaps are employees of Allied and are represented in collective bargaining matters by the Brotherhood of Railway and Airline Clerks, AFL-CIO.

Director Mickins read for the record:

"QUESTION PRESENTED

Do the provisions of San Francisco Administrative Code Section 12B.4 (c)

(5) apply to wages, working conditions, and practices that have been negotiated through the collective bargaining process pursuant to the National Labor Relations Act?

CONCLUSION

No."

Mr. Mickins then reviewed the highlights of the document from the City Attorney's Office, continuing, verbatim:

"ANALYSIS

San Francisco Administrative Code Section 12B.5 provides, in relevant part, as follows:

> This chapter shall not confer upon the City and County of San Francisco or any agency, board of commission thereof any power not otherwise provided by law to determine the legality of any existing collective bargaining agreement.

In addition, Chapter 12A of the San Francisco Administrative Code which establishes the Human Rights Commission and defines the scope of its power and duties, provides in relevant part as follows:

> ...Nothing in this ordinance, however, shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any Federal or State law. (Section 12A.3)"

"It is well established that the National Labor Relations Act preempts state and local law in all matters covered by the Act...

Since the complaint against Allied at issue here is a direct challenge to the rate of wage, benefits and working conditions set forth in a collective bargaining agreement negotiated between Allied and BRAC (the union) pursuant to the National Labor Relations Act, the Human Rights Commission is not empowered to hear and decide that complaint. You are so advised."

- Janitors'Complaint at the Airport.

Mr. Mickins announced that his Finding in the Skycaps case was issued January 19, 1983, and that all parties have been notified. This is Case 113-82, a Complaint of Noncompliance charging a violation of Chapter 12B.4 of the San Francisco Administrative Code.

The above-cited City Attorney's Opinion is included in the official Finding document.

The Finding holds that:

1. Allied Maintenance Corporation is not a "subcontractor" of the airlines companies within the meaning of Chapter 12B.1 (a) of the Administrative Code, and the allegations against them are dismissed.

2. The HRC is without jurisdiction to hear and decide the allegations of the Complaint because a collective bargaining agreement exists between Allied and Complainants.

Director Mickins said he understands that the attorneys for the Complainants (Skycaps) may appeal this Finding.

Mr. Mickins announced that in a second case involving Airport Janitors, his Finding would be forthcoming soon.

- Budget Review for the HRC.

The Mayor has set Wednesday, February 2, at 9 AM in her office for the annual budget review for the budgets of the HRC and the Commission on the Status of Women.

REPORT OF THE CHAIRPERSON

_ Committee Assignment Preferences.

Chairperson Lyon requested that members of the HRC communicate with her their preferences for Standing Committee assignments for 1983 as soon as possible.

SPECIAL ORDER

APPEAL HEARING

IN THE MATTER OF

JOHN JENKINS TRUCKING COMPANY V. DOUBLE-O TRUCKING COMPANY

Counsel for the Appellant: Gary Wood, of Wood,Chettle, Henrioulle & Maddux and Melvin D. Honowitz, of Coffman, Honowitz & Sautter

Counsel for the HRC: Ms. Phyllis Walker, City Attorney's Office
Neil H. O'Donnell, of Rogers,. Joseph, O'Donnell & Quinn..

This Hearing, with its discussions taken by a Court Reporter, began at 8:49 AM, and, with a 10-minute recess, ended at approximately 1 PM.

The attorneys and the HRC set Tuesday, February 15, 1983 and Thursday, February 17, beginning at 5:30 PM, in Room 2-C of City Hall basement for the continued Appeal Hearing.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, February 10, 1983 at 10 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, Febrtary 3, 1983 9:30 AM 1850 Mission Street
Housing & Urban Development	Tuesday, March 1, 1983 HRC Office, Room 509 3:00 PM
Lesbian/Gay Advisory	Thursday, February 24, 1983 5:30 to 7:30 PM Community College District Offices 33 Gough Street 1st Floor Auditorium
Police Liaison/ Social Issues	Chinatown North Beach Community Center Public Meeting Tuesday, February 1, 1983 5 PM Geen Mun Center 777 Stockton Street

Youth and Education — Thursday, January 20, 1983
3:30 PM
John Adams Community College Center
1860 Hayes Street, Room 136

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted

Grant S. Mickins
via Jack Casford

GSM:bclp

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HUMAN RIGHTS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, February 10, 1983

NEXT MEETING

****
* Date: Thursday, February 24, 1983 *
* Time: 8:30 A.M. *
* Place: Board of Education, Room 30* *
* 170 Fell Street *
****

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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committees Meetings.

Attendance:

Commissioners

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, Brenda Wade, Martin S. Weiner, David K. Yamakawa Jr.

Excused: Antonio Grafilo, Corrine Lee.

Staff

Present: Grant S. Mickins, Beatrice Cardenas-Duncan, Jack Casford, Linell Harden, Diane Healy, Stanley Lim, Clemente Obregon, Pansy Ponzio-Waller, Gail Roberts, Eva Royale, Mary Gin Starkweather, Essie Thomas, Jackie Winnow.

Ms. Roberts also was present at the January 13, 1983 HRC meeting, and her name was inadvertently not listed in those Minutes.

Pledge of Allegiance

Minutes of January 27, 1983 approved.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a Memorandum of January 31, 1983, to all Department Heads and Heads of Board and Commissions, regarding Innovation Awards Presented by Public Technology, Inc. This Memorandum was read in full, giving information on how innovation summaries may be submitted by February 18 to Public Technology, Inc. , a national organization providing services to local governments.

- From Joseph M. Field, President, Entercom, regarding to the HRC's letter of concern about radio statior KBRG's announced change from a Spanish-language format in the San Francisco Bay Area. The HRC letter was sent January 17, 1983 on recommendation of the (then) Police Liaison/Social Issues Committee. (See below for the name change of this Standing Committee to Social Issues and Police Liaison Committee.) Mr. Field wrote that after its format change "...there will still be five Spanish language stations, including three that either are or have to right to be full time operations." He wrote also, "Because of our many years of close relations with the Hispanic community we will continue to take a special interest in its problems and needs...." Mr. Field's letter, which also referred to its personnel changes, was read in part by Director Mickins. He said he would distribute copies to all Commissioners. ****This letter was referred back to the SI and PL Committee. The HRC January 17 letter had urged that KBRG's 24-hour Spanish-language format be retained as a major resource for the Hispanic community.

- Commissioner Moulton asked that two more communications on this subject be read at this point:

1. From Gerardo Soberon, Vice President, Coalition of Hispanics for Employment Services, expressing appreciation for Commissioner Moulton's role in the matter of community concern about the KBRG format change. He asked that a"resolution be introduced at HRC concerning this matter." A copy of the HRC's January 17 letter to Mr. Field had been sent simultaneously to the Coalition.

2. From Chinese for Affirmative Action, a Press Release December 23, 1982, regarding a Cantonese language simulcast translation of CBS Evening News with Dan Rather to resume on KUSF radio January 3, 1983. Commissioner Moulton asked that the portion of this Press Release be read stating that "Aside from Chinese language newspapers, non-English-speakers have little access to news and current events. Bilingual programs provide a way for them to understand American society."

*****These two communications also were referred to the Social Issues and Police Liaison Committee.

- William S. Robenson, P.E., President, Towill, Inc., Civil Engineers, regarding his criticism and suggestions for possible future changes in the HRC Minority Business Enterprise/Women Business Enterprise program, and offering to work with the HRC on concerns he summarized as ".... not with the regulations, but their misapplication that results in horizontal apportionment and other aberrations to achieve MBE goals." Mr. Robinson also enclosed copies of letters he wrote to Edgar J. Jenkins, Task Force on Minority Business Enterprise, Environmental Protection Agency, in Washington and then-Senator S. I. Hayakawa stating his concerns on federal regulations and guidelines relative to minority enterprise.

- From Stan Moy, AIA (American Institute of Architects), Director, Finger & Moy, Architects, thanking Director Mickins for meeting with Wilson Chang, Hayden Lee, Gordon Chong and himself, and on behalf of the Board of Directors of the Asian American Architects and Engineering Engineers on February 4 to inform them of the future hearings the HRC will conduct) February 24, March 2, and March 24) on participation of minority and women-owned businesses in City contracts, as mandated by Resolution 952-82 of the Board of Supervisors.

- From Victor C. Thuesen, Attorney for Willie L.(Bill) Williams, and other Skycaps, and the Brotherhood of Railway and Airline Clerks (BRAC) AFL-CIO, in their Complaint of Non-Compliance against American Airlines and ten other air carriers, and Allied Maintenance Corporation, advising that the complainant request a show cause hearing by the HRC and also of the notice of appeal of the Director's Finding of January 19, 1983. Director Mickins had reported to the HRC January 27 that all parties had been notified of his Finding that the HRC did not have jurisdiction in this Complaint, and referring to the City Attorney's Opinion that the HRC was not empowered to hear and decide the Complaint.

The Director and the members of the HRC then discussed the logistics required to hold show cause hearings and hear formal appeals to a Director's Finding.

DIRECTOR'S REPORT

- Budget Meeting with Mayor.

The Director and Chairperson Lyon met February 2 with the Mayor to review the HRC's budget request for Fiscal 1983-84. Two additional staff positions were requested:

1. $28,178 to fund a 2992 Contract Compliance Officer (Coordinator rank) to work with the City Purchasing Department, to help it draft a vendors' list and to develop an on-going MBE/WBE program. This position was approved by the Mayor.

2. $17,160 for a 2980 Specialist II, to work with the Lesbian/Gay community, and to help handle the large number of discrimination complaints that come to the HRC under its Article 33 (Police Code) jurisdictional mandate.

The HRC also had requested $41,610 for contractural services to the Inter-group Clearinghouse. The Mayor asked to re-consider this for a lower level of funding.

The meeting attendance reimbursement for Commissioners was OK'd for an increase from $15 to $25.

The next budget stage is consideration by the Budget Analyst of the Board of Supervisors.

Chairperson Lyon and Director Mickins each commented on the HRC's appreciation for the Mayor's continued strong support of its staffing and operational needs.

- John Jenkins Trucking Co, v. Double-O Trucking Appeal Hearing .

The first hearing was held January 27, 1983 at Congregation Sherith Israel, 2266 California Street.

Two further hearing times have been scheduled for the continuation:

1. Tuesday, February 15, beginning at 5:30 PM in Room 2-C, basement, City Hall.

2. Thursday, February 17 at the same time and place.

- Public Hearings on Minority Business Participation in City Contracts.

These hearings, required under Resolution 952-82, will take place:

February 24----9 AM, Room 30, Board of Education , 170 Fell Street;

March 2 -------4 PM, Lurie Room, First Floor, Main Library ;

March 24-------9 AM, Room 1202, State Building, 350 McAllister Street.

Mrs. Gail Roberts, of the HRC staff, is coordinating planning for these hearings. A data base of information from City departments about the subject is being gathered.

REPORT OF THE CHAIRPERSON

- Chairperson Lyon announced the following Standing Committee assignments for calendar 1983:

Administrative:	Vice-Chairperson Wade, Chairperson.
Employment:	COmmissioners Grafilo and Soler, Co-Chairpersons; Commissioners Ambrogi Lee, and Suncin, members
Housing & Urban Dev.	Commissioners Chung and Suncin, Co-Chairpersons; Commissioner Joe Jung, member.
Lesbian/ Gay Advisory	Commissioners Bevilla and Yamakawa, Co-Chairpersons;
Social Issues/ Police Liaison	Commissioners Moulton and Sevilla, Co-Chairpersons; Commissioner Edwards, member.

Youth and Education: Commissioners Wade and Weiner, Co-Chairpersons; Commissioners Morrissey and Moulton, members.

Chairperson Lyon urged full Commissioner participation in the meetings and work of the Standing Committees , reminded them that no official action or recommendations can be taken unless a Commissioner is present, and urged full cooperation with staff to the Committees. She reminded the Commissioners that they are welcome to attend any and all Standing Committee meetings.

STANDING COMMITTEES
Social Issues and Police Liaison
Joan Zamora Moulton/Richard Sevilla-Co-Chairpersons

- Report on February 1 Public Hearing in Chinatown/North Beach- Eva Vidaurri Royale, San Francisco State University Intern.

The Committee sponsored the second in a series of community public meetings on February 1, beginning at 5:30 PM in the Geen Mun Center, 777 Stockton. Ms. Royale and Jack Casford, staff to the Committee, coordinated the work of a Planning Committee which included Committee members Vera Haile (Self-Help for the Elderly), Bayard Fong(Chinese for Affirmative Action), Alfred Savedra, plus Commissioners Moulton, Edwards and Sevilla. Extensive publicity and community contact was done before this meeting via press releases (translated into Chinese), radio public service announcements, the posting and distribution of several hundred flyers, etc.

Ms. Royale stated that some 80 persons attended the Chinatown/North Beach meeting, and 13 persons made statements. Besides Co-Chairpersons Moulton and Sevilla and Commissioner Edwards, sitting with the Committee at this meeting were Capt. Willis Casey, of Central Station, Officer Eddie Dare of the Police Community Relations, Sgt. Ron Verneli, Central Station.

Subjects introduced by speakers were in the areas of immigration, employment, housing, education, youth, seniors, health service, legal rights, the police, and litter laws.

Ms. Royale gave details of concerns voiced about specific needs and conditions by the various speakers. Commissioner Moulton reported that referrals would be made to the HRC Standing Committees for followup on the subjects with which they are conversant, such as youth, education, housing, and employment.

Many speakers spoke of the distress of Medically Indigent Adults (MIAs) persons who now must go for all health care to San Francisco General Hospital, where translator services are inadequate for the nonEnglish-speaking, and where appointmnet waiting times are several months, etc.

Other subjects touched on were bilingual ballots; need for bilingual police officers on day shifts; Asian-American participation in City jobforce; U.S. Department of Immigration & Naturalization processing delays; language program cutbacks, etc.

Following Ms. Royale's formal presentation, there were comments from various Commissioners:

- Commissioner Morrissey urged that Standing Committees to which followup concerns are referred concentrate on those areas where discrimination is a prime factor or where present laws and regulations are not being followed or enforced.

- Commissioner Ambrogi urged that the HRC develop a strategy for focusing on the growing problems of MIAs in the City. Commissioner Moulton suggested meeting with the Mayor, the Board of Supevisors, and the Department of Public Health on this issue.

- Commissioner Soler asked that the relevant Standing Committees be contacted by the Administrative Committee to see that followup was carried out.

Commissioner Moulton praised Ms. Royale for her outstanding work in planning and carrying out the February 1 Chinatown/North Beach public meeting. She announced that the next public meeting the Committee will undertake, date not yet set, will probably be in the Black community, and that Commissioner Robert Edwards will be important in planning it.

She thanked Stanley Lim, who did written translations of the announcement flyers and press releases for the February 1 meeting, and Commissioner Joe Jung, who made introductory remarks in both Chinese and English at the meeting.

- She announced that the next meeting of the Committee will be on Monday, February 28, at 3:30 PM, at Commissioner Joe Jung's Restaurant, Fifth and Market Streets.

YOUTH AND EDUCATION

Brenda Wade/Rabbi Martin S. Weiner, Co-Chairpersons

John C. Morrissey, Member.

- Progress Report on Proposed Status Offenders Service System-Beatrice Cardenas-Duncan.

Commissioners were provided copies of the Proposed Status Offender Service System plan, developed by the Mayor's Criminal Justice Council in response to a resolution of the Board of Supervisors on August 31, 1981. Ms. Duncan announced that Judges Daniel M. Hanlon and Maxine Mackler Chesney, of the Juvenile Court, will hold a public hearing February 15, at 4:30 PM, Department 29 (Judge Hanlon's courtroom), Youth Guidance Center, 373 Woodside Terrace, to discuss the third component of the Status Offender proposal plan---the central receiving facility which would allow the police to refer status offenders directly to a community agency rather than to the Youth Guidance Center.

Two of the plan components------Neighborhood Counseling Centers and the Shelter System -have already begun to be implemented, but the Central Receiving Facility component has not yet been approved by the Superior Court.

The Youth and Education Committee heard a full presentation on the plan at its January 20, 1983 meeting, at which Ms. Marilyn Borovoy of the Mayor's Council on Criminal Justice (MCCJ) , Joseph Botka, Chief Probation Officer, and Judge Daniel M. Hanlon were among the speakers. The Committee may in the future Ms. Duncan said, be making recommendations on a formal HRC position.

She then introduced Mr. Peter A. Semiraro, Juvenile Justice Coordinator of the San Francisco Youth Advocacy Project, also with Coleman Youth Services, and a member of the MCCJ. He said the planning process had been underway for more than two and one-helf years. He said that it had the approval of the Juvenile Justice Commission, the MCCJ, the Board of Supervisors, and the Delinquency Prevention Commission, among others, and awaited, after the February 15, the final action approval of the judges of the Superior Court, which has, as noted above, already approved the Shelter System and Neighborhood Counseling Centers components.

The material provided Commissioners for their study included a brief description of the mandate to develop the plan, its primary objective ("to re-unite youth and thier families whenever possible"), plus a chart showing the makeup of the proposed Status Offender Service System,, an outline of Private Agency Functions, of Probation Functions, of Police Functions, of the Advisory Board, etc.

Mr. Semiraro replied to a number of Commissioners' questions, informing, for example, that funding for the Central Receiving Facility will have to come from the Probation Department budget and Juvenile Court.

To Commissioner Yamakawa's inquiry, Director Mickins said that all agency contracts and subcontracts under the Juvenile Court are under HRC jurisdiction for Affirmative Action monitoring and bid review.

Commissioner Moulton stated that she felt that one community agency, on a rotating basis, should be on the monitoring component of the proposed Status Offender Service System.

It was then

*****m/s/c that the HRC reaffirm its past formal support for the proposed Status Offender Service System, with special emphasis on approval of the Central Receiving Facility component.

ADMINISTRATIVE
Brenda Wade-Chairperson

- Proposed Amendment to HRC Rules and Regulations, Rule 5 , VOTING REQUIREMENTS AND PROCEDURES: "The Minutes shall reflect the individual votes by the Commissioners on all matters voted upon by the Commission, unless the vote is unanimous.

The Chairperson shall call for a voice vote, and, in the event that it appears that a division exists among the Commissioners , the Chairperson shall call for a show of hands, which shall be recorded by the secretary."

Chairperson Lyon said the recommendation on this amendment was adopted unanimously by the Administrative Commistee.

Commissioner Ambrogi asked for a pro and con statement on the proposed amendment.

Commissioner Sevilla stated that the recommendation for recording HRC votes by individual names was seen by members of the Lesbian/Gay Advisory Committee as a means by which the community can know who voted which way on an issue. He said that the amendment subject was not meant to apply only to issues or recommended actions of the L/GAC, and that it would provide some measure of accountability by members of the HRC on various issues.

Commissioner Edwards stated, "I don't like it, personally," but added that for the sake of HRC unity, he would vote for it. He said that when the recommendation for this rule first was introduced the intent was"...not very wholesome..." e.g., to find out who was in opposition"... to this particular group's thinking."

Chairperson Lyon said that others in the community had expressed their desire some time ago to know how members ofthe HRC voted in various issues, so they would have an opportunity to talk to these members and"...perhaps persuade them one way or the other ." She noted other boards and commissions record votes (such as the Board of Supervisors) and that it was felt that some kind of accountability was needed as an aid to those who cannot attend and witness these meetings.

Commissioner Ambrogi stated, "My instinct tells me that it is not a good idea, for political reasons and organizational reasons, but for the sake of another value inside this Commission, I'm going to vote for this."

It was then

*****m/s/c that the HRC amend the HRC Rules and Regulations, Rule 5, VOTING REQUIRMENTS AND PROCEDURES. The voice vote was unanimous.

Director Mickins noted that such amendments have to be calendared twice, so the measure will be on the Agenda for the HRC meeting scheduled for February 24.

- Recommended Change in Name from Police Liaison/Social Issues Committee to Social Issues and Police Liaison Committee.

It was

*****m/s/c that the name of the Police Liaison/Social Issues Committee be changed to Social Issues and Police Liaison Committee. The voice vote was unanimous.

LESBIAN/GAY ADVISORY
Richard Sevilla, David K. Yamakawa Jr.,-Co-Chairpersons

- Committee Report.

The Committee met January 27 at its new meeting place, the First Floor Auditorium of the Community College District Offices, 33 Gough Street.

It discussed:

1. The Mayor's Survey of Victims of Violent Person Crimes in San Francisco.

An early executive summary of this report was reported as saying that there was no greater incidence of violence on Lesbian or Gay groups or individuals than on any other group in the City. It was then later revealed that this referred only to the frequency with which Gays and Lesbians report crimes. The Committee is concerned that the erroneous reported excerpt be corrected in a new news release from the Office of the Mayor. Commissioner Sevilla said the executive summary has been changed.

2. Vicky Rathbone, staff to the Employment Committee, reported that the Committee had decided to make no recommendation on a nursing petition presented to the L/GAC by Wages Due Lesbians and referred to the Employment Committee. Though the Employment Committee agreed with many of the issues raised, and heard presentations by the Wages for Housework Campaign and the California Nurses Association, it was concerned that such a wide variety of different issues had been included in the same petition, and that it actually was a request for endorsement of certain Board of Registered Nursing members who supported positions listed on the petition.

3. The Committee briefly discussed the public meetings being sponsored by the Social Issues and Police Liaison Committee, and the possibility that Lesbian/Gay community hearings might be scheduled by them with both Committees working together.

4. The Committee voted to write Archbishop Quinn supporting the July, 1982, Task Force on Gay/Lesbian Issues report "Homosexuality and Social Justice", but the letter was not sent because of subsequent remarks attributed to Archbishop Quinn.

5. Jerel McCrary renewed his request that the issue of the law requiring a misdemeanor charge for anyonw charging Police misconduct, which had been discussed on referral to the Police Liaison/Social Issues Committee last year, be re-referred to that Committee.

EMPLOYMENT
Esta Soler/Antonio Grafilo-Co-Chairpersons

- Office of Community Development-Funded Projects--Status Report, July 1, 1982 through September 30, 1982.- Pansy Ponzio-Waller, Affirmative Aciton Officer; Linell C. Harden, COntract Compliance Representative.

Ms. Ponzio spoke for herself and Mr. Harden. Following is verbatim from their written report, which was supported by statistical tables showing the names, contract amounts, general contractors, the names of the minority or women business enterprises, their ethnic identification, their location and their contract amounts. (all for the Status Report period). In additon, the report included a summary of MBE participation in OCD projects, and a table showing Office of Community Development workforce figures by trades for the quarter ending September 30, 1982.

This report, for the quarter July 1, 1982 through September 30, 1982, is an update and a comparison of a similar report for the same period of 1981. The OCD projects covered contracts in the amount of $10,000 or more awarded through the Housing Development COrporations (HDC) as well as those awarded through the Department of Public Works (DPW). Previously, the HRC was only required to monitor projects awarded by DPW. The added responsibility became effective on January 1, 1982.

Since the last HRC report, the number of projects monitored has increased from 23 to 58. The total contract dollar amount of these projects also increased, from $6,242,968 to $8,909,382. The contract dollar amount awarded to local prime contractors rose from $1,515,242 to $4,551,787 and the number of local prime contractors from 12 to 48. The contract dollar amount awarded to MBE/WBEs went up from $1,722,462 to $3,107,905, and the number of MBE/WBEs from 46 to 103. The contract dollar amount to MBE/WBEs went from $688,962 to $1,865,422, and the number of local MBE/WBEs from 20 to 64.

There were increases in all MBE categories except Black and American Indian/Alaskan Native. Hispanic contractors represent the largest increase, with the contract dollar amount up from $450,791 to $1,293,249, and the number of contracts awarded going from 16 to 38. Although the number of contracts to Black contractors increased from 19 to 24, the dollar amount of contracts decreased from $959,831 to $724,582. The contract amount to American Indian/Alaskan dropped from $13,950 to zero. The next largest increase was in the Asian/Pacific Islander category, where the contract amount was from $239,860 to $948,660, and the number of contracts from 9 to 34. In the last report, Filipino was included in the Asian/Pacific Islander category. For this period, the contract amount to Filipino was $29,130 and the number of contracts was 3. Female contractors received contracts in the amount of $112,284, compared to $58,021 in the last report. The number of contract increased from 1 to 4. The number of MBE prime contractors increased from 5 to 23. All of these except one were awarded by Housing Development Corporations (HDCs). The dollar amount awarded to ethnic minority groups fluctuates depending on the area where the work is being done. Most of the contractors who bid on projects awarded by the HDCs are small contractors who rarely, if ever, bid on projects awarded by the DPW.

Of the 58 projects monitored for this period, employee participation data from only 9 projects and 12 trades were used. This information does not include projects with a dollar amount less than $50,000, or if the subcontract amount is less than $25,000, or if the duration of the contract is under 3 months. The MBE participation more or less reflects the hours worked by each ethnic group. The total hours worked in all trades was 3,965. Hours worked for Hispanics rose from 643 to 1,293; Blacks decreased from 1,027 to 519; American Indian/Alaskan Natives increased from 0 to 28; Asian/Pacific Islanders increased from 9 to 646; Filipinos decreased from 136 to 0; and female participation increased from 0 to 28 hours. Overall minority participation increased to 62% from 49% with female participation increasing from 0% to 1%.

The greater number of local prime contractors and the increase in local MBE

participation has increased the participation of low and moderate-income persons in the communities where the work is being done. Much of the credit can be attributed to the HDCs' efforts to seek out MBEs to bid on contracts awarded by them.

Ms. Ponzio responded to a number of questions about the statistics from Commissioners, and she emphasized that drops in an ethnic group's participation in contracts may reflect only the area where work is being done at any particular time, and not especially a long-term condition.

Commissioner Moulton stated her concern that women be counted separately, not included in the minority count in workforce breakdown reporting. She also asked if there were a means by whch the HRC could determine how many minority firms are bidding for jobs. Ms. Ponzio and Director Mickins explained in detail the bid-review process, and the time limits for considering proposals, and the fact that records are not kept on bids on contracts under $50,000.

Director Mickins pointed out that questions about MBE/WBE bid and contract participation are the focus of the public hearings the HRC will hold February 24, March 2 and March 24.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC is scheduled for Thursday, February 24, 1983 at 10 AM in the Third Floor Commission Room of the Main Library. However, since the first ofthe MBE/WBE public hearings is scheduled for Thursday February 24, at 8:30 AM in Room 30 of the Board of Education building at 170 Fell Street, and it will supplant the earlier meeting.

STANDING COMMITTEES

- Employment — Thursday, March 3, 1983
  9:30 AM
  1850 Mission Street

  Housing & Urban Devlpmt. — Tuesday, March 1, 1983
  HRC Offices, Room 509
  3 :00 PM

  Lesbian/ Gay Advisory — Thursday, February 24, 1983
  Community College District Offices
  33 Gough Street
  1st Floor Auditorium
  5:30-7:30PM

  Social Issues/ Police Liaison — Monday February 28, 1983
  3:30 PM
  Joe Jung's Restaurant Fifth & Market

  Youth & Education — Thursday, February 17, 1983
  3:30 PM
  John Adams Community College Center
  1860 Hayes Street, Room 136

No Remarks from the Audience

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:bclp

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CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, February 24, 1983

MINORITY / WOMEN BUSINESS ENTERPRISE PUBLIC HEARINGS

NEXT REGULAR HRC MEETING

Date: Thursday, March 10, 1983
Time: 8 AM
Place: Commission Room, Third Floor
Main Library, Civic Center

NEXT PUBLIC HEARING ON M/WBEs

Date: Wednesday, March 2, 1983
Time: 4 PM
Place: First Floor, Lurie Room
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

Attendance

Commissioners

Present: Phyllis Lyon (presiding) Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, George Suncin, Esta Soler, David K. Yamakawa Jr.

Excused: Antonio Grafilo, Joan Zamora Moulton, Richard Sevilla, Brenda Wade, Martin S. Weiner.

Staff

Present: Grant S. Mickins, Frank Anderson, Beatrice Cardenas-Duncan, Jack Casford, Linell Hayden, Stanley Lim, Richard Norton, Clemente Obregon, Pansy Ponzio, Vicky Rathbone, Gail Roberts, Essie Thomas, Jackie Winnow.

Pledge of Allegiance

Minutes of February 10, 1983 -Approval postponed to March 10, 1983 Meeting.

COMMUNICATIONS

- From Mr. George Spellman, Executive Vice President, and Dr. Michael P. Balzona, Jr., Moderator, Joint Action in Community Service Inc. Washington, D.C. announcing sponsorship of a Forum on Innovative Partnerships in San Francisco on March 14, at the Cliff House, 1090 Point Lobos Avenue, from 1 to 5 PM. JACS is a national volunteer organization which seeks to promote public-private partnerships "in reducing the financial strain on state governments." This letter was read in full. The JACS Regional Director in California is Mr. William Booth, 556-5223.

- From Kenneth R. Kinnard, P & K Trucking Company, a copy of a letter sent to Supervisor Doris Ward, Mayor Feinstein and seven other officials, protesting a Minority Business Enterprise contract award in the Southwest Outfall project. Director Mickins stated that the HRC has filed a staff complaint against P & K Trucking Company, which has answered. The HRC is continuing its investigation and, Mr. Mickins said, the matter may require further HRC action.

- Director Mickins announced that a number of other letters had been received pertinent to the Special Order portion of the meeting, and that they would be made part of that record.

DIRECTOR'S REPORT

- Continuing Labor Issues at San Francisco International Airport:

1. Skycaps' Complaint of Non-Compliance (reported to the HRC at the meetings of January 13 and 27, 1983) against Allied Maintenance Corporation and fourteen airline companies. Mr. Mickins' Director's Finding was issued January 19, 1983. The complainants through their legal counsel have indicated they will appeal (technically, a show cause hearing request) this Finding, which held that the HRC does not have jurisdiction in the case (pursuant to an Opinion of the City Attorney issued January 17, 1983 (Opinion 83-4) .

Mr. Mickins stated the provisions for holding show cause hearings (as will be requested by the Skycaps) from the HRC Rules and Regulations.

It was then

****m(Yamakawa), s(Ambrogi) and c that the HRC authorize a show cause hearing for the Skycaps, and Director Mickins said he would notify their attorney of this action. This action was unanimous.

2. Janitors at the Airport.

As reported at the HRC January 13, 1983 meeting, some 85 airplane and terminal cleaning staff have been terminated, and a new workforce brought in. The aggrieved employees are members of the Service Employees International Union. They filed a formal Complaint with the HRC in late September, 1982, and it has been served on the parties named by the complainants but no response has been forthcoming. If the respondents fail to file within 21 days from the date of the service of the Complaint, (as provided in the HRC's Rules of Procedure in Affirmative Action/Contract Compliance) they may be considered in default, tantamount to admitting the allegations of the Complaint. Mr. Mickins said he has notified the respondents of his intention to declare such a default unless they provide a written explanation of their failure to answer. The case, he said, is being investigated by several other agencies, include the state Department of Employment, as reported in the press.

3. Quantas Layoff.

Attorneys representing the employees laid off, who are members of the International Association of Machinists, have filed a formal Complaint with the HRC also on this issue. Mr. Mickins said the HRC is concentrating on expediting the matter because of its "crucial importance to the proper civil operation at the Airport."

.. All of the above cases also involve the issue of prevailing wage provisions.

SPECIAL ORDER

Public Hearing on Minority-owned and Women-owned Business Enterprise (business participation in City and County Contracts.

This was the first of three scheduled public hearings by the Human Rights Commission in response to passage by the Board of Supervisors of Resolution 952-82, sponsored by Supervisors Willie B. Kennedy and Doris Ward, and signed by the Mayor December 17, 1982.

The HRC is mandated by the Resolution to hold hearings with respect to the extent of minority and women business participation in City and County contracts. The HRC is also mandated to report its findings back to the Board of Supervisors with proposed remedial legislation.

Coordination of preparation for these hearings was by Gail Roberts of the HRC staff.

The February 24 hearing was opened by a formal statement from Director Mickins. In it he noted that this was only the third time there had been Citywide public hearings of this nature. The first was in 1963, by the Board of Supervisors, and it resulted in the creation of the HRC, with the passage of Chapter 12A of the City Administrative Code. The second hearing by the Board was sponsored by the late Mayor George Moscone and Lieutenant Governor Leo McCarthy (they were both then members of the Board), and resulted in the passage of Chapter 12B, the Nondiscrimination Ordiance, which made the HRC the agency of the City charged with implementing the City's affirmative action requirements. In 1976, Mr. Mickins noted, the HRC initiated its first MBE(later amplified with WBE) program in construction, followed by the programs for architects and engineers and other related professional services.

"We have more than turned the corner in the past five or six years with a true spirit of cooperation between HRC staff and City department heads," he said. He cited statistics showing the increases in MBE/WBE participation under HRC programs.

Mr. Mickins closed by quoting a saying: "For every problem under the sun, there is a remedy, or there is none, If there is one, try and find it; if there is none, never mind it.

Some 125 persons were in attendance at this hearing, which was recorded verbatim by a professional Court Reporter.

Several City department deputies then made statements and responded to Commissioners' questions, and after three had finished, at the request of a member of the audience on behalf of private business women and men who wished to speak, the remaining department presentations were deferred to a later hearing.

There followed approximately eight other speakers, from such organizations as the San Francisco Black Chamber of Commerce, Asians Inc., and Asian-American Architects and Engineers.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, March 10, 1983 at 8 AM in the Third Floor Commission Room of the Main Library.

The next MBE/WBE Participation in City and County Contracts Public Hearing will be Wednesday, March 2, 1983 at 4 PM in the First Floor Lurie Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, March 3, 1983 9:30 AM 1850 Mission Street
Housing & Urban Development	Tuesday, March 1, 1983 HRC Office, Room 509 3:00 PM

PUBLIC LIBRARY

Lesbian/Gay Advisory	Thursday, March 24, 1983 5:30-7:30 PM First Floor Auditorium Community College District Offices 33 Gough Street
Social Issues and Police Liaison	Monday, February 28, 1983 3:30 PM Joe Jung's Restaurant Fifth and Mission, First Floor Meeting Room
Youth and Education	Thursday, March 17, 1983 3:30 PM John Adams Community College Center 1860 Hayes Street, Room 136

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:bclp

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Minutes

HUMAN RIGHTS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, March 10, 1983
City Hall, Room 2-C, Basement

and

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SPECIAL ORDER

Continuation (Fourth Session) of Appeal Hearing

Jenkins Trucking v. Double-O Trucking

NEXT MEETING

Date: Thursday, March 24, 1983
Time: 6:15 PM
Place: Room 1202, State Building
350 McAllister Street

This regular HRC meeting will precede the third of a series of Public Hearings on Minority/Women Business Enterprise participation in City contracts The hearing will begin at 9 AM

NEXT JENKINS TRUCKING V. DOUBLE-O TRUCKING

APPEAL HEARING

Date: Thursday, April 7, 1983
Time: 6 to 10 PM
Place: Room 2-C, Basement Level, City Hall
Civic Center

Attendance

Commissioners

Present: Phyllis Lyon (presiding), Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, Martin S. Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Antonio Grafilo, George Suncin, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Beatrice Cardenas-Duncan, Jack Casford, Linell Harden, Ed Ilumin, Stanley Lim, Richard Norton, Clemente Obregon, Gail Roberts, Mary Gin Starkweather, Pansy Ponzio-Waller.

No Pledge of Allegiance due to absence of a Flag.

Minutes of February 10, 1983, approved.

Minutes of February 24, 1983, approved with one correction:

First page, under Communications, second item beginning: From Kenneth P. Kinnard... in the next to the last sentence beginning, Director Mickins stated that the HRC has filed a staff complaint against P & K Trucking Company, which has answered, the sentence should read: Director Mickins stated that the HRC has filed a staff complaint against Morrison-Knudson and Arvie and Son Construction Co., who have answered. (correction section underlined.)

COMMUNICATIONS

- From John C. Farrell, Controller, a copy of Departmental Instruction No. 953 of February 23, 1983 sent to all departments, offices, boards and commissions, setting forth procedures required for prior approval and payment of travel expense allowances by officers or employees of the City and County of San Francisco.

- From Bill Jones, Assemblyman, Thirty-Second District, to Chairperson Lyon, acknowledging the HRC communication regarding Assembly Bill 1 in the California Legislature, and stating that he voted 'no' at the Assembly Labor Committee hearing February 22, because '...there were problems with employers who felt it was unfair to force them to hire someone who they morally felt they should not.' Assembly Bill 1 seeks to ban statewide employment discrimination on the basis of sexual orientation.

- From Willie Lewis Brown Jr., Speaker of the Assembly, inviting HRC input regarding legislation that would address any restrictions imposed on legal services programs.

- From S. Justine Suafai, Director, Women in Apprenticeship Program, Inc., thanking Director Mickins for participating in the February 14, 1983 meeting with the Women's Carpenters Caucus, and seeking futher meetings aimed at coordinating agency services in monitoring goals and timetables for women on public construction sites.

- From Larry Cruz, M.S.W., Youth Services Director, Central City Hospitality House, seeking support for the agency's need for Summer Youth Employment Program funding, whose Special Projects component was recommended for elimination on February 17, 1983 by the Employment and Training Council.

- From John L. Taylor, Clerk of the Board of Supervisors, on behalf of Supervisor Carol Ruth Silver, asking a response to her Administrative Assistant Paula C. Fiscal's report on the first HRC Public Hearing on Minority/Women Business Enterprise participation in City contracts, held February 24, at 170 Fell Street. Mr. Taylor asked Mr. Mickins whether adequate opportunities for the public to be heard had been made, including microphones, the number of persons present on February 24, and a list of those who spoke.

****Director Mickins stated that approximately 150 persons were present at the hearing cited, and that he will respond in full to this request, and send a copy of his response to all members of the HRC.

- From John L. Taylor, Clerk of the Board, (letter addressed simultaneously to George Agnost, City Attorney, and the Airports Commission), reporting that the Rules and Legislation Committee at a special meeting March 3 considered '...whether any of the airlines at San Francisco International Airport are in violation of the provisions of Chapters 12B. of the Administrative Code or of prevailing wage legislation." The Committee, Mr. Taylor, wrote, heard testimony regarding three separate unfair employment practice complaints (janitors, Skycaps and employees of Quantas Airways---see statements by the Director below) filed with the HRC, and they requested a City Attorney's Opinion on whether provisions of Chapter 12B. apply. Further, it asked that, if Chapter 12B. does not apply, the City Attorney prepare appropriate legislation to rectify the problem. Mr. Mickins read the cover letter in full.

The matter was continued by the Rules and Legislation Committee to March 24 and all recipients of the letter were invited to attend in order to answer any questions.

- Commissioner Moulton initially had addressed this issue by noting that the Airports Commission had sent to the Board of Supervisors (for referral to the Finance Committee) on March 7 proposed legislation aimed at preventing airlines at San Francisco International Airport from laying off union workers and contracting their job to nonunion firms.

Included with this letter frm Mr. Taylor was a copy of a March 2 letter (read in full) from Director Mickins to Board President Wendy Nelder, explaining the HRC's role in Contracts at the Airport, stating, "As a matter of practice, the Commission has applied the "prevailing wage" provisions to fact situations that have been clearly discrimination-related."

Mr. Mickins commented that City Attorney Agnost's Opinion 83-16 of March 7 1983, which he cited, in essence limits the HRC role under Chapter 12B's prevailing wage provision."...to refer only to a failure to pay prevailing wages that is itself a discriminatory employment practice or that violates an element of an affirmative action program." The Opinion also included as an attachment a proposed amendment to Chapter 6 of the San Francisco Administrative Code by adding Section 6.1-1 relating to rates of wage in contracts for personal services, under which all City agencies would be bound.

After Commissioner Morrissey had suggested that all members of the HRC receive copies, Director Mickins briefly reviewed the salient points of the proposed amendment, noting that the Civil Service Commission would be given the authority (at the request of any officer, board of commission of the City and County County) to determine the prevailing rate of wage for specified categories of personal services. This is because, Mr. Mickins said, the CSC already sets the wages for some 1, 600 City service job classifications.

It was then ..

*****m/s/c that the Director send copies of these letters and attachments to all members of the HRC, and that it be calendared as an item for discussion at the next regular meeting (March 24) of the HRC.

- From the Board of Supervisors, a Memorandum of March 3 regarding required Annual Statement of Economic Interests for Designated Employees, Form 730, issued by the Fair Political Practices Commission.

- From Commander Richard H. Trueb, Internal Operations Bureau, San Francisco Police Department, copies of the employment opportunity announcement for the Director, Office of Citizen Complaints, within the Police Department, as mandated by the electorate in November, 1982. The position is exempt from Civil Service examination. Commander Trueb asked that the HRC assist in disseminating these fliers setting out the qualifications and procedures for applicants. A copy of the flyer is attached to these Minutes, and the HRC Standing Committees are distributing them.

DIRECTOR'S REPORT

- Skycaps Complaint Case---Show Cause Hearing Request.

The attorney for the Skycaps has yet to set a date for the requested Show Cause Hearing.

*****Chairperson Lyon appointed Commissioner Weiner to be one of the three members of the SHow Cause Hearing panel. Two may be HRC members, and one may be from the membership of the HRC's Employment Committee.

- Janitors at the Airport.

As earlier reported, some 66 airplane and terminal cleaning staff were terminated at the Airport, and a new workforce brought in. They filed the first formal Complaint with the HRC in late September, 1982. They subsequently filed amended Complaint in December 1982. The Director reported that the respondents initially avoided acknowledged service of the Complaints or filing answers to it.

When this answers are received, the Director will then seek to issue a Finding within ten days.

- Quantas Layoffs.

This formal Complaint, filed with the HRC by Quantas employees recently laid off, has also been served on the responden and an answer is awaited. The complainants have filed an amended Complaint, alleging discrimination.

Director Hickins, in summation, then said that procedurally, the HRC is on schedule with the above-cited Complaints.

NEW MATTERS

- Commissioner Moulton asked that recent newspaper articles concerning the tour of Central America by Pope John Paul II, and in particular those that quote his remarks concerning indigenous Indian people and their descendants in those regions and their dignity and human rights be collected and filed in an HRC Hispanic File.

OLD BUSINESS

- Second Reading, Proposed Amendment to HRC RUles and Regulations, VOTING REQUIREMENTS AND PROCEDURES, Rule 5.

This was the required Second Reading and HRC action on this proposed amendment, first voted unanimously to accept by the HRC at its February 10, 1983 regular meeting.

The text of the amendment:

The Minutes shall reflect the individual votes by the Commissioners on all matters voted upon by the COmmission, unless the vote is unanimous.

The Chairperson shall call for a voice vote, and, in the event that it appears that a division exists among the Commissioners, the Chairperson shall call for a show of hands, which shall be recorded by the secretary.

It was then

*****m/s/c that Rule 5 of the HRC Rules and Regulations, VOTING REQUIREMENTS AND PROCEDURES, be so amended.

CALENDAR MATTERS

- The next regular meeting of the HRC is scheduled for Thursday, March 24, 1983 at 5:15 PM in Room 1202, State Building, 350 McAllister, between Polk and Larkin. This meeting will precede the third in a series of Public Hearings (which will start at 9 AM) on Minority/Women Business Enterprise participation in City contracts.

STANDING COMMITTEES

Employment	Thursday, April 7, 1983 9:30 AM 1650 Mission Street
Housing & Urban Development	Wednesday, March 16, 1983 3 PM HRC Offices, Room 509

Lesbian/Gay Advisory	Thursday, March 24, 1983 5:30-7:30 PM Community College District Offices 33 Gough Street, First Floor Auditorium
Social Issues and Police Liaison	Tuesday, March 15, 1983 3 PM Joe Jung's Restaurant Fifth and Market Street
Youth & Education	Thursday, March 17, 1983 3:30 PM John Adams Community College Center 1860 Hayes Street, Room 130

No Remarks from the Audience

Respectfully submitted,

Grant S. Hickins
via Jack Casford

GSH:bclp

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CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, March 24, 1983

and

Third of (Special Order) Public Hearings on Minority and Women-Owned Business Participation in Contracts with the City and County of San Francisco.

Room 1202, State Building, 525 Golden Gate Avenue (regular meeting held in room above but switched to Room 5039, Public Utilities Commission Hearing Room, State Building, 350 McAllister for the Public Hearing)

NEXT MEETINGS:

1. Human Rights Commission Regular Meeting:
   DATE: Thursday, April 14, 1983
   TIME: 10AM to 1 PM
   PLACE: Third Floor Commission Room
   Main Library Civic Center

2. Public Hearings on Minority and Women-Owned Business Enterprise Contract Participation:

   DATE: Wednesday, April 6, 1983
   TIME: 4 PM to 7 PM (with extension if necessary)
   PLACE: First Floor Lurie Room
   Main Library Civic Center

3. Appeal Hearing-Jenkins Trucking vs. Double-O Trucking:

   DATE: Thursday, April 7, 1983
   TIME: 6 to 10 PM
   PLACE: Room 2-C, Basement Level
   City Hall Civic Center

See under Calendar matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Lyon (presiding), Ambrogi, Chung, Edwards, Jung, Morrissey, Moulton, Suncin, Soler, Yamakawa.

Excused: Grafilo, Lee, Sevilla, Wade, Weiner.

Staff: Mickins, Cardenas-Duncan, Casford, Harden, Ilumin, Lim, Norton, Obregón, Rathbone, Roberts, Thomas, Waller.

No Pledge of Allegiance due to lack of a Flag.

Minutes of March 10, 1983 approved.

COMMUNICATIONS

- From Julian D. Munoz, Principal, Group 4/ Architecture, Research and Planning, Inc., commenting on the HRC-sponsored Public Hearings on Minority/ Women/Business Enterprise Participation in Contracts with the City and County of San Francisco. Copies of this letter had been provided members of the HRC earlier. Mr. Munoz praised the work of the HRC and its staff, calling its

commitment and assistance one of "...total dedication and fair play...". He said that the HRC had played "an instrumental part in the formation and development of his firm"

From Maurice James, Executive Director, Morrisania West, Inc., thanks for the HRC support over a number of years for this established minority youth training and employment agency (Postal Street Academy, Secondary Resources Recycling Center, etc.), and its formal endorsement March 12, 1981 of the Secondary Resources Recycling Plant Project for Youth that, according to Mr. James, aided in obtaining paper contracts, including one with the City and County of San Francisco. This letter was read in full, and it was noted that Mr. James wrote that the agency had been able (with private and public funding) to place 62% of the project participants on unsubsidized jobs, purchase all equipment and vehicles needed to operate a recycling center, replace one-third of their income, and develop working relationships with major corporations and the private sector. Mr. James stressed that the continuing support of the HRC would be needed in order to continue to receive more private industry contracts.

Director Mickens detailed the steps tha HRC had taken to aid Morrisania West, Inc., by providing its list of City contractors, and its formal, written endorsement.

DIRECTOR' REPORT

- Jenkins Trucking vs. Double-O Trucking Appeal Hearing.

The seventh in the succession of Appeal Hearings in this case (which began January 27, 1983) set for Monday, March 21, 1983, had to be cancelled because of the illness of Ms. Phyllis Walker, Deputy City Attorney, the HRC's counsel.

The next Appeal Hearing in the case has been re-set for Thursday, April 7, 1983, from 6 to 10 PM, in Room 2-C, Basement Level, City Hall, in the Civic Center.

- Intergroup Clearinghouse Funding.

The San Francisco Foundation has approved a grant of$15,000 (of an original application for $25,000) for staffing and operation of the Clearinghouse, which has been staffed on an intern basis by Ms. Pansy Waller, of the HRC Contract Complicane staff. Director Mickins said that half of the Foundation grant was contingent on the City making a matching grant. He noted that Mayor Feinstein has designated some $30,000 for this purpose.

A reception honoring members and friends of the Clearinghouse to be held in the Office of the Mayor is being planned for mid or latter part of April.

- HRC Budget Work.

The process of working this out continues. The Civil Service Commission and Board of Supervisors recently took a number of actions regarding Limited Tenure employees' benefits.

- Skycaps'Complaint of Non-Compliance vs. Eleven Major Air Carriers.

Copies of the Director's Findings (Case 113-82), issued January 19, 1983, that the HRC is without jurisdiction to hear and decide the allegations of the complaint because a collective bargaining agreement exists, were provided all Commissioners.

It was announced that Victor C. Thuesen, of Henning, Walsh & Ritchie, attorneys for the Skycaps and Brotherhood of Railway and Airline Clerks (BRAC), AFL-CIO, has requested an HRC Show-Cause Hearing, which had been scheduled tentatively for April 12.

However, in view of the fact that Commissioner Weiner will be out of the City on sabbatical until April 14, it was agreed to check with Mr. Thuesen to see if the Show-Cause Hearing could be re-set for Tuesday, April 19, at 9 AM.

- City Attorney's Opinion No. 83-4 of January 17, 1983.

Copies of this Opinion, bearing on application of Section 12B.4 (c) (5), of the HRC's Nondiscrimination Ordinance in the City Administrative Code to wages, working conditions, and practices negotiated through collective bargaining agreements, (a factor in the Director's Findings in the Skycaps Complaint case), were provided earlier to all members of theHRC.

- Commissioner Morrissey's Concerns Regarding Procedures for Appeal Hearings.

The Commissioner noted that he saw two major problems, brought out by the continuing Jenkins Trucking vs. Doubld-C Trucking Appeal Hearing:

1. Eight Commissioners must be prresent in order to hear evidence and render a decision. As hearings go on, it becomes more difficult for Commissioners with heavy work commitments elsewhere to allocate this much time.

2. The requirement that all Commissioners be present for all the hearings throughout.

Commissioner Morrissey asked if the HRC could not consider changing its Rules of Procedure in order to designate, as the State Public Utilities Commission does, a hearing examiner, who can take evidence, which then can be reviewed by Commissioners, who may then hear further arguments.

After comment from Director Mickins, who cited the procedures as spelled out in the Administrative Code, and from other members of the HRC, it was

*****agreed to refer this matter to the Administrative Committee for discussion and recommendations.

*****Director Mickins said he would write to the City Attorney to request suggestions for alternatives to the present hearing requirements that could be proposed for a revised Administrative Code section. Commissioner Morrissey offered to review the draft of this letter.

SPECIAL ORDER

Public Hearing on Minority-Owned and Women-Owned Business Enterprise (MBE-WBE) Participation in Contracts with the City and County of San Franicsco.

- Third of a series of Public Hearings by the Human Rights Commission in response to passage by the Board of Supervisors of Resolution 952-82, sponsored by Supervisors Willie B. Kennedy and Doris Ward, and signed by the Mayor December 17, 1982.

Before the formal hearing began (in Room 5039, the Public Utilities Commission Hearing Room in the State Building, 350 McAllister Street), Director Mickins noted that after this hearing the HRC would review the voluminous amount of testimony and materials (much of which was provided each hearing to Commissioners), inorder to determine what areas are still not covered and schedule a further hearing to do so.

This Special Order Public Hearing began at 9 AM and continued to 12:30 PM, with some eight persons testifying. A professsional Court Reporter continued recording the hearing on a stenotype machine.

*****The next Public Hearing was set for Wednesday, April 6, 1983, in the Lurie Room of the Main Library (First Floor) beginning at 4 PM.

PLACE: Room 2-C Basement, City Hall

- The next regular meeting of the HRC will be Thursday, April 14, 1983, at 10 AM in the Third Floor Commission Room, in the Main Library, in the Civic Center.

The next MBE/WBE Public Hearing will be Wednesday, April 6, 1983 beginning at 4 PM in the First Floor Lurie Room of the Main Library.

The next Double-O Trucking Appeal Hearing will be Thursday, April 7, 1983, from 6 to 10 PM, in Room 2-C, Basement Level, City Hall, Civic Center.

STANDING COMMITTEES

Employment	Thursday, April 7, 1983 9:30 AM 1850 Mission Street
Housing & Urban Development	To Be Announced
Lesbian/Gay Advisory	Thursday, March 24, 1983 5:30-7:30 PM Community College District Offices 33 Gough Street, First Floor Auditorium
Social Issues and Police Liaison	Tuesday, April 5, 1983 3 PM Joe Jung's Restaurant 5th and Market Streets
Youth & Education	Thursday, April 21, 1983 3:30 PM JOhn Adams Community College Center 1860 Hayes Street Room 136

NO NEW MATTERS

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:vee

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HUMAN RIGHTS COMMISSION

Of the City and County of San Francisco

Minutes of the Meeting of Thursday, April 14, 1983
Commission Room, Main Library

NEXT MEETING

DATE: Thursday, April 28, 1983
TIME: 4 PM
PLACE: Room 2-C Basement, City Hall

NOTE: The regular HRC meeting 4/28 will precede the continuation of the Jenkins Trucking v. Double-O Trucking Appeal Hearing.

The regular HRC meeting scheduled for that date in the Commission Room of the Main Library to start at 10AM has been cancelled.

Attendance

Commissioners: Phyllis Lyon, (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, George Suncin, Brenda Wade, David K. Yamakawa Jr.

Excused: Robert Edwards, Antonio Grafilo, Esta Soler, Rabbi Martin S. Weiner.

Staff

Present: Grant S. Mickins Beatrice Cardenas-Duncan, Jack Casford, Don Hesse, Richard Norton, Clemente Obregon, Gail Roberts, Essie Thomas, Pansy Ponzio-Waller, Jackie Winnow.

Pledge of Allegiance

Minutes of March 24, 1983 approved.

COMMUNICATIONS

- From Manuel Carcia, President, California Association of Human Rights Organizations, announcing the 10th annual conference of the organization, on whose Executive Committee HRC Director Mickins serves. The conference will be held June 1, 2, and 3 at the Asilomar Motel in Pacific Grove, California, under the sponsorship of the Sacramento Human Rights Fair Housing Commission and the Santa Clara County Human Relations Commission. Director Mickins will participate in a workshop on "Alternative Funding" on June 2, 1983from 3:30-5:30 PM. Mr. Mickins noted that San Francisco Supervisor Harry Britt will attend the conference, and he has urged the conference planning committee to invite representatives for Lesbian advocacy groups. He noted also that many commissioners from state commissions attend the conference and urged the participation of members from the HRC.

- From Assemblywoman Lucy Killea, stating her support for Assembly Bill 185, which would expand the areas of responsibility for human relations commissions in the state. Director Mickins had written March 18, 1983 to Monsignor William J. Barry, Chair of the Committee on Legislation of the Los Angeles County Commission Human Relations, with a copy to Assemblyman Dominic Cortese, Chairman, Assembly Local Government Committee, re-affirming the HRC's long-standing support of such state legislation dating back to 1979.

Assemblywoman Killea reported that AB 185 was passed by the Assembly Local Government Committee March 23 for action by the full assembly.

- From Constance C. Dennis, Executive Director, Minority Contractors Association of Northern California, expressing support for the HRC's Public Hearings on MBE/WBE participation in City contracts in February and March.

Ms. Dennis said one of the Association's concerns was the "ultimate disposition of the vast amount of information that the HRC has received, and stated that it "strongly supports the effort to develop legislation that will prevent continuation of practices that have denied minority business enterprises full access to....contracting and procurements activities of the City and County of San Francisco".

- From Jose Duenas, Equal Opportunity Employment Officer, Port of Oakland, a letter to Commissioner Joan Zamora Moulton, announcing that the current federal definition for Hispanics has been expanded to include persons from Spain and Portugal, and the formation of a committee (representatives from BART, City of Oakland, Alameda County, Fair Employment & Housing Commission, and the Office of Federal Contract Compliance) to protest the new definition. The objective of the committee, he wrote, is to develop a position paper citing why persons from Spain and Portugal should not be included, and to use the paper as the basis for changing the Hispanic definition back to its original form. He urged the HRC to support this effort and "not to include individuals from Spain or Portugal as Hispanics."

The issue of the HRC Hispanic definition in its Affirmative Action program has been discussed for more than a year. There was public testimony on April 29, 1982, and the matter was referred to the Administrative Committee. The City Attorney has yet failed to provide a requested Opinion on whether the HRC can amend or alter the present definition of Hispanic under Chapter 12A of the City Administrative Code.

Commissioner Moulton reported that public hearings were called for December 10, 1982, but that most Hispanic representatives were unable to participate because of the holiday season, and many people said they were not notified.

Director Hickins suggested that the HRC might, in the absence of the City Attorney's Opinion, join informally with the committee mentioned by Mr. Duenas.

*****The letter and the issue were referred to the Social Issues and Police Liaison Committee to recommend a formal HRC position.

*****Director Hickins said that he would write the City Attorney, saying that if by a specified date the HRC has not received a formal Opinion as requested on the Hispanic definition issue, the HRC would move to calendar it for HRC action at its April 28 meeting.

Copies of Mr. Duenas' letter were sent to members of the HRC in advance of this meeting.

DIRECTOR'S REPORT

- Director's Finding (Case 118-82) in Complaint of Non-Compliance by San Francisco International Airport Janitors under Local 77-AFL-CIO against American Airlines, Pacific Southwest Airlines, Western Airlines, and World Service Company.

Mr. Hickins announced that his Finding, issued April 13, 1983, was that a discriminatory employment practice exists in violation of Chapter 12B.2 and 12B.4 of the Administrative Code. That failure by the Respondents to pay prevailing wages was strong indication of a form of exploitation prohibited by the ordinance. Mr. Hickins read from Chapter 12B.2 (f) (3) verbatim (relative to sanctions under paragraphs (g) and (h) of the same Section-----daily penalty of $50, and possible two-year suspension "irresponsible bidder" of contract building rights). He said the Finding included interim remedies. Mr. Hickins said he has stayed the Finding on condition there be committment from the Respondent airlines to correction of the discriminatory employment practices cited.

The Finding has been served on attorneys for both parties to the case.

Copies of the 43-page Finding, plus attachments, are being sent to all HRC members.

Members of the City Attorney's Office (Burk E. Delventhal and Judith A. Boyajian) were of great service to Mr. Mickins in working of this Finding, he said.

- Quantas Layoffs Case.

This formal Complaint, filed with the HRC by Quantas employees in February of 1983, has been served on the Respondent, and an Answer and Amended Answer have been received. Investigation of the facts has begun.

- Skycap Case Show-Cause Hearing Set.

The Director's Finding (Case 113-82), issued January 19, 1983, was that the HRC is without jurisdiction to hear and decide the allegations of the complaint because a collective bargaining agreement exists. The Show-Cause Hearing requested by the Skycaps' attorney, Victor C. Thuesen, has been set for April 26, Tuesday, at 9:30 AM in Room 282 of City Hall, Civic Center.

Commissioner Weiner has asked to serve on the three-person Show-Cause Hearing panel with Commissioner Wade. A third member of the panel will be chosen soon. Notices of this hearing have been sent to all parties.

- HRC Budget.

The process is still under way. The HRC will meet with the City Purchasing Department to work out their separate requests for funding for a staff position to implement a Minority Business Enterprise/Women Business Enterprise program through the Purchasing Department. The Mayor's Office, the Director announced, has asked both sides to meet and resolve the issue.

- HRC Public Hearings on MBE/WBE Participation in Bidding for City Contracts with the City and County of San Francisco.

Three of these hearings have been completed. They were held February 24, March 2, and March 24. Work has now begun on reviewing the data provided by witnesses from minority/women organizations and businesses, and public agencies, as well as representatives of City departments. Two City departments have not yet responded to the HRC's request for minority/women contract experience: the Department of Social Services and the City Attorney's Office.

Director Mickins said it was hoped that analysis of the data and a formal set of recommendations could be completed by late summer.

- Jenkins Trucking v. Double-O Trucking Appeal Hearings.

The continuation of these hearings will be in Room 2-C in the Basement of City Hall on April 28, 1983. The regular meeting of the HRC, which will begin at 4 PM at this meeting site, will precede the Appeal Hearing itself. The regular HRC meeting scheduled for 10 AM in Commission Room of the Main Library, will be cancelled.

REPORT FROM THE CHAIRPERSON

Chairperson Lyon said she wanted to thank the members of the HRC for their service at the numerous hearings and meetings the HRC has been holding recently.

STANDING COMMITTEES

YOUTH AND EDUCATION
Brenda Wade/Rabbi Martin S. Weiner, Co-Chairpersons
John C. Morrissey, member.

- Employment Resources in San Francisco for Disabled Youth.

This presentation was postponed to a later date.

- Youth Emergency Services Proposal-Beatrice Cardenas-Duncan, HRC Coordinator.

Ms. Cardenas-Duncan announced that this presentation was coming from the Committee to the HRC with a request for its formal approval and support for the Proposal.

It was reported that the Status Offenders' Plan, which the HRC had approved with the Central Receiving Facility component February 10, 1983, was approved by the Superior Court on February 28, 1983. Requests for Proposals are now being sent to agencies interested.

Ms. Cardenas-Duncan then introduced the Rev. Jackie Kortwright of the San Francisco Partnership Ministry for a presentation on the Youth Emergency Services Proposal. Members of the HRC were provided copies of the formal Proposal as submitted to the Mayor's Office by the Youth Emergency Services Committee, an ad hoc group of youth-serving agencies and religious groups. They include: Polk Street Town Hall, Calvary Presbyterian Church, Catholic Social Services, Hospitality House, the San Francisco Partnership Ministry, the Tenderloin Youth Streetwork Program, and Coleman Children and Youth Services.

The Rev. Kortwright then gave a brief summary of the work of the Youth Emergency Services Committee, formed in December, 1982, to address a growing San Francisco problem: the housing of homeless youth now on the streets---as many as 1,000 to 2,000, many of whom are resorting to prostitution in order to support themselves. Most of the youthful street prosititutes and homeless (who are between 12 and 18 years old) are in the Polk Street and Tenderloin areas, it is reported.

The Proposal asks for $10, 329 a month funding for nine months to set up three temporary overnight shelter sites for the homeless youth. The sites would be provided for the first three monthsby Old First Presbyterian Church, at Sacramento and Van Ness Avenue, then for three months by the First Congregational Church at Mason and Post downtown, and for the final three months by St. Mary's Cathedral at Geary and Gough Streets.

A Fact Sheet accompanying Rev. Kortwright's presentation said that youth who come voluntarily or on referral to the emergency shelters would be encouraged to seek long-term help through existing programs and services such as Huckleberry House or Hospitality House. A Runaway Hotline to notify parents about the safety of their children is part of the Proposal, as well.

The ultimate goal of the Proposal is to facilitate the establishment of a permanent emergency shelter for homeless youth, as part of a comprehensive service plan for youth, with the Committee working to secure private and public funding.

The staff would include a full time director, a fulltime outreach worker, and four fulltime resident staff. They could serve 25, both boys and girls.

On April 11 the Board of Supervisors voted to urge the Mayor to fund this Proposal.

The Rev. Kortwrights said the City's Department of Health would be designated to monitor the Emergency Shelter Program.

After the presenter responded to some Commissioner questions, and a motion by Commission Ambrogi that the HRC formally endorse and support the Proposal, on the initiative of Commissioner Yamakawa, it was

*****m/s/c/ to table the endorsement motion, and postpone for two weeks, until the HRC April 28 regular meeting, formal action on the approval recommendation from the Youth & Education Committee, in order that interested Standing Committees might consider further. Commissioners Ambrogi and Sevilla voted No on the motion to table.

SOCIAL ISSUES AND POLICE LIAISON
Joan Zamora Moulton, Chairperson
Robert Edwards, Member.

- Referral of Study on Juvenile Prostitution to Committee.

Commissioner Sevilla said he would be prepared to come to the Committee to discuss what action the Lesbian/Gay Advisory Committee was asking of the Social Issues and Police Liaison Committee on the issue of adolescent prostitution.

- New Membership of Committee.

Sixteen invitations to minority and ethnic community organizations to send a permanent representative to the Committee were issued recently and responses have been received from eight. The Chairperson asked that Commissioner Yamakawa assist in getting participation by Japanese/American groups.

- Committee Meeting Guests in March and April- Beatrice Cardenas-Duncan

In March, Captain Richard D. Klapp, Personnel and Training Officer for the San Francisco Police Department was the Committee's guest, and responded to a long-range discussion arising from Committee concerns about the use of psychological testing and screening by the Department's Personnel Department.

In April, Joyce J. Rea , Executive Director of the Commission on the Aging was a guest, and responded to a number of Committee concerns growing out of presentations at the Public Meeting February 1, in Chinatown North Beach. Services to senior citizens were the main topic of discussion, and Ms. Rea promised to respond in more detail to specific questions about the breakdown of services provided in relationship to the services to the Latino community.

- June Public Meeting.

The Committee plans to sponsor another Public Meeting tentatively in mid-June in the Hunters Point neighborhood.

- April 26 Committee Meeting.

This meeting will focus on finalizing the followup to the community concerns that came out of the February 1 Public Meeting. Assignments for specific followup on immigration, transportation, public health, housing, and other issues were made to Committee members or referred to HRC Standing Committees(Youth & Education, Employment, and Housing and Urban Development). Commissioner Edwards will help plan the June public meeting as will Eva Vidaurri Royale, student interne at the HRC.

*****m/s/c/ to accept the Committee Report.

EMPLOYMENT
Antonio Grafilo/Esta Soler- Co-Chairpersons
Thomas Ambrosi, Member.

- Annual Airport Employment Profile.

This report was postponed to a later meeting.

LESBIAN/GAY ADVISORY
Richard Sevilla/David K. Yamakawa Jr. -Co-Chairpersons

- Committee Report-Commissioner Sevilla.

The Committee continues with its strategy planning and development of goals and objectives. A professional facilitator was hired for two meetings to focus on the issues.

- The Assembly Ways and Means and Employment Committees have passed Assembly Bill 1 and it goes now for action by the full Assembly. This measure, introduced by Assemblyman Art Agnos for several years, and always endorsed by the HRC, would bar sexual orientation employment discrimination statewide.

- A letter was sent to Monsignor Peter G. Armstrong, Chairperson of the Commission on Social Justice, stressing the significance of the recent Report of the Task Force on Homosexuality, and urging full consideration of it.

- The June 26, 1983 Lesbian/Gay Freedom Day Parade will include many booths sponsored by agencies and organizations and, on recommendation of the Committee, it was

******m/s/c that the HRC sponsor a booth to distribute information about the Human Rights Commission as part of the June 26, 1983 Lesbian/Gay Freedom Day Parade. Members of the HRC are invited to join members of the Lesbian/Gay Advisory Committee in staffing the booth.

HOUSING AND URBAN DEVELOPMENT
Samuel Chung/George Suncin, Co- Chairpersons
Joe Jung, Member.

- Committee Report -Donald Hesse, Coordinator, HRC Fair Housing Program

- Referral from Social Issues and Police Liaison Committee of Concerns About Lack of Low-Income Housing in Chinatown.

The Committee has met twice for discussions with Yvonne Lee of the Self-Help for the Elderly agency on these concerns.

Coversion of low-income units to condominiums or to commercial use are among the problems thus far identified as major.

A fuller report will be made in the future on this subject, Mr. Hesse said.

- Booklet: "A Guide to Your Rights for Tenants and Landlords."

This is a sixteen-page booklet prepared largely by Juan Cruz, a member of the HRC staff who has left to join the staff of Assemblyman Peter Chacon, and Ed Ilumin, presently an HRC staff member, and it is basic information, timely as of November, 1982, on housing discrimination, fair housing for children, the

sexual orientation factor in housing, tenant and landlord rights, repairs, evictions, retaliatory evictions, harassment, privacy, sublets, resident hotel and condominium conversions, the San Francisco Rent Ordinance, etc. It lists housing service organizations and their services, as well as government agencies in the field of housing.

Printing of 50,000 copies was funded by Chevron U.S.A. Mr. Hesse paid special tribute to the Chevron organization staff for their assistance and cooperation.

Editions of the booklet also are in Spanish (15,000 copies), Chinese (10,000 copies,)and Tagalog (7,500). It also will be reprinted in some of the foreign-language newspapers in the City.

NEW BUSINESS

- Resolution in Tribute to Congressman Phillip Burton.

A draft copy of this proposed Resolution, prepared by Jack Casford, was provided to the Commissioners. Many members of the HRC indicated they would leave this meeting to attend the public memorial services for the Congressman, who died in San Francisco April 10 , to be held at Fort Mason.

It was

******m/s/c to consider this New Business (not on the Agenda), and then
******m/s/c to adopt the Resolution in Tribute to Congressman Phillip Burton.
A copy of this Resolution is attached to these Minutes.

- Renee Opell, a student intern from the University of California, Berkeley, majoring in political science, was introduced. Ms. Opell will be assisting the HRC until June in completing the data obtained in the MBE/WBE Public Hearings.

- The next regular meeting of the HRC will be at 4 PM Thursday, April 28, 1983 in Room 2-C, Basement, City Hall, Civic Center. The meeting scheduled for 10 AM that same day in the Commission of the Main Library has been cancelled.

STANDING COMMITTEES

Employment	Thursday, May 5, 1983 9:30 AM 1850 Mission Street
Housing & Urban Development	Tuesday, April 26, 1983 3 PM, Room 509 HRC Offices
Lesbian/Gay Advisory	Thursday, May 26, 1983 5:30 -7:30 PM Community College District Offices 33 Gough Street, First Floor Auditorium
Social Issues and Police Liaison	Tuesday, April 26, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
Youth and Education	Thursday, April 21, 1983 3:30 PM John Adams Community College Center 1860 Hayes Street, Room 136

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT IN MEMORY OF CONGRESSMAN PHILLIP BURTON

GSH:bclp:vee

Respectfully submitted,

Grant S. Hickins
via Jack Casford

City and County of San Francisco

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION IN TRIBUTE TO CONGRESSMAN PHILLIP BURTON

WHEREAS, the Human Rights Commission, since its beginning in 1964, has been joined with Congressman Phillip Burton in the struggle to preserve and protect and advance human and civl rights for all people, and

WHEREAS, the tireless and sweeping energy of Congressman Phillip Burton during his long and magnificent career in The Congress has done so much, that will last so long, in the achievement of so many goals for the betterment of people, and

WHEREAS, San Francisco is so proud for having been the homebase of this legislator of giant stature and great personal integrity; and

WHEREAS, Congressman Burton never lost his human dimension and his compassion for those economically and socially powerless; and

WHEREAS, every person who feels protected in his/her workplace, bettered in his/her living place, and uplifted by the beauty of the natural environment of this great country and this beautiful Bay Area is forever indebted to the leadership of Congressman Phillip Burton,

NOW, THEREFORE, BE IT RESOLVED that the Human Rights Commission express its profound sorrow at the untimely death, in the prime of his life and career, of this irreplaceable man; and

BE IT FURTHER RESOLVED that, even as we tender our respects to his immediate family, we pledge ourselves to continue the struggle to carry on his work in human and civil rights.

Resolution 3-83

Adopted by the HRC 4/14/83

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4/28/83

HUMAN RIGHTS COMMISSION

Of the City and County of San Francisco

Minutes of the Meeting of Thursday, April 28, 1983
Room 2-C, City Hall
This meeting preceded continuation of the
Jenkins Trucking v. Double-O Trucking Appeal Hearing.

DOCUMENTS DEPT.

MAY 13 1983

SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

Date: Thursday, May 12, 1983
Time: 10:15 A.M.
Place: Commission Room, Third Floor
Main Library, Civic Center

ROLL CALL

Commissioners:

Present: Phyllis Lyon (presiding), Samuel Chung, Robert Edwards, Joe Juno, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Antonio Grafilo, George Suncin, Brenda Wade.

Staff:

Present: Grant S. Mickins, Beatrice Cardenas-Duncan, Jack Casford, Don Hesse, Stanley Lim, Richard Morton, Clemente Obregón, Gail Roberts, Pansy Ponzio-Waller.

No Pledge of Allegiance because of absence of a Flag.

Minutes of April 14, 1983 approved. Jack Casford was asked to ascertain from Commissioner Moulton (Page 2, fourth paragraph down) what agency called for public hearings in December of 1982 regarding the Hispanic definition issue.

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board of Supervisors, a departmental intra-office Memorandum of April 20 to select Department and Agency Heads announcing that a late filing fee of $10 will be assessed those members of the HRC who fail to file their Form 730, Statementof Economic Interests for 1982,by the deadline of April 30, Mr. Taylor wrote that those failing to file by April 30 should accompany their form with a check payable to the City and County of San Francisco. The Commissioners were reminded that they had been sent notice of the filing deadline and copies of Form 730 with instructions on completing on completing it on March 20.

- From Margaret L. Brady, General Manager, Parking Authority, in response to the HRC request for workorders from the Parking Authority for monitoring Authority contracts (for affirmative action). She listed four construction contracts plus seven operating garge/parking facilities. Some of those listed, Ms. Brady wrote, are under other City departments, such as Public Works and Recreation & Park. Further discussion on this matter is forthcoming, Mr. Mickins said.

- From Paul D. Hardman, Publisher, The Voice, a letter (read in full) regarding reported negation, by Roman Catholic Archbishop Quinn, of a contract between the Gay Men's Chorale, and the Church, to give a concert at St. Boniface Church, 133 Golden Gate Avenue.

Mr. Hardman wrote,"You have a duty to require the San Francisco Redevelopment Agency to act against the church since the Cathedral stands on public land..."

Director Mickins said that the HRC would look into the claim from Mr. Hardman

relative to the issue of the Roman Catholic Cathedral being on public land (i.e. San Francisco Redevelopment Agency), even though the contract under dispute was with the Franciscan Order, for the use of St. Boniface Church on Golden Gate Avenue.

- From Sheldon L. Greene, Attorney for World Services, Inc. (law firm of Greene Kelley and Tobriner) relative to Case No. 118-82, Perkel vs. American Airlines, a Notice of Appeal of the Director's Finding on a Complaint of Non-Compliance issued April 13, 1983, that a discriminatory employment practice exists in the case, brought by janitors (Local 77-AFL-CIO) at San Francisco International Airport against American, Pacific Southwest, and Western Airlines, and World Service Company. Mr. Greene wrote that he would meet May 2 at 2 PM with Director Hickins to discuss a possible resolution of the issue without an Appeal Hearing.

- FromNed A. Fine, Attorney for Western Airlines, Inc., (law firm of Fisher & Phillips), a joint request by the complainant, SEIU, Local 77 (through its counsel) and Western Airlines to dismissWestern from the proceeding. Mr. Fine said both Complainant and Respondent have reached "...a full settlement of their outstanding issues". A formal Notice of Appeal was filed, however, "in view of the fact that approval of this request (for dismissal) may take a number of days..." This case would still apply to Pacific Southwest and American Airlines.

- There was attached with Mr. Fine's letter a letter to Stewart Weinberg, of Van Bourg, Allen, Weinberg & Roger, a law firm in San Francisco representing SEIU Local 77, confirming resolution discussion on five listed issues. This material was read in full.

- Director Hickins was authorized formally by Chairperson Lyon to resolve the case, as provided in HRC procedures.

- Skycaps Show-Cause Hearing.

This hearing, before an HRC panel chaired by Commission Rabbi Martin Weiner, and with Commissioner Brenda Wade and John C. Scott, Director, San Francisco Electrical Apprenticeship Trust, was held Tuesday, April 26 in Room 285 of City Hall beginning at 9:30 AM.

This hearing had been requested by Victor C. Thuesen, attorney for the Skycaps at San Francisco International Airport after Director Hickins had issued a Finding (Case 113-82) on January 19, 1983 that the HRC was without jurisdiction to hear and decide the Skycaps' allegations against several airline companies because a collective bargaining agreement exists.

The April 26 hearing took testimony from representatives of the City Attorney's Office and Mr. Thuesen, and all other principals in the case, and all parties were asked to submit briefs to the panel by May 13.

The Skycaps' Complaint of Non-Compliance was brought on behalf of men under the Brotherhood of Railway and Airline Clerks, AFL-CIO and lodged with the HRC, naming fourteen airlines including (American, Delta, Air California, Pan American, World Airways, China, CAAC British, Canadian Pacific, Japan, Mexicana, Capitol, and Quantas)

- From Paul G. George, Attorney for Pacific Southwest Airlines (law firm of Heserve, Huper & Hughes) also in the SEIU Local 77 case, Notice of Appeal of the Director's Finding.

- From Jim Morales, President, Latino Democratic Club, a copy of a letter addressed to Mayor Dianne Feinstein, with copies also to the Police Commission and to Tito Torres, President, MAPA (Mexican-American Political Association).

Commissioners Sevilla and Moulton asked that this letter be read in full. It expressed "concern..that qualified Latinos were underrepresented in the in the applicant pool" for the position of Director, Office of Citizen Complaints for the Police Commission."

The Latino Democratic Club, Mr. Morales wrote, requests that the Police Commission reopen the application process for the Director position and conduct intensified outreach and recruitment efforts in the Latino and other minority communities.

Commissioner Sevilla said that there is no proof or any data to show that there was advertising and an affirmative aciton effort to attract applicants from a variety of ethnic communities, including the Latino community. He said the Civil Service Commission will not reveal ethnic idenfication data on applicants flow requested.

Commissioner Moulton expressed the deep concern of the Latino community in asking that applications be reopened.

There was extended discussion on the concerns expressed by Commissioners Sevilla and Lyon, and eventually it was

****m/s/c that the HRC formally request that the Police Commission provide it with the ethnic/minority breakdown of the applicant pool (including those who declined to state)to date for the office of Director, Office of Citizen Complaints.

The motion was adopted on a split vote, 6 to 3. Ayes: Jung, Lyon, Moulton, Sevilla, Weiner, Yamakawa. Noes: Chung, Edwards, Morrissey. Commissioners Lee and Soler had not yet joined the meeting.

- See under New Business at end of these Minutes for Commissioner Morrissey's request for referral of the issue to the Employment Committee.

NO REPORT FROM THE CHAIRPERSON

STANDING COMMITTEES

YOUTH AND EDUCATION

Brenda Wade, Rabbi Martin S. Weiner/Co-Chairpersons
John C. Morrissey, Member.

- Recommended Endorserent on the Emergency Youth Shelter Proposal.

The original presentation on this recommendation was made by Ms. Beatrice Cardenas Duncan for the Youth and Education Committee at the HRC April 14. At that time, the Rev. Jackie Kortwright of the San Francisco Partnership Ministry discussed the Proposal in more detail, using a copy of the formal Proposal, which seeks $10,329 a month for nine months to set up three temporary overnight shelter sites at local churches for homeless youth, with the ultimate goals of establishing a permanent emergency shelter.

The Board of Supervisors voted April 11 to urge the Mayor to Fund this Proposal.

At Commssioner Yamakawa's initiative, the HRC voted April 14 to table the endoresement notion until other HRC Standing Committees could discuss it.

The Housing and Urban Development Committee discussed it at its April 27 meeting (see below). It was then

****m/s/c that the HRC endorse the Emergency Youth Shelter Proposal.

EMPLOYMENT

Antonio Grafilo/Esta Soler, Co-Chairpersons
Thomas Ambrogi, Member.

- Annual San Francisco International Airport Employment Profile for 1982-Clemonte Newball-Obregón, HRC Affirmative Action Officer.

Referring to a narrative report he compiled (with attachment tables showing minority/majority comparisons of the Airport workforce by percentages and occupational categories, male/female comparisons, race, sex, and occupational categories broken down by American Indian, Asian/Pacific Islander, Black, Filipino, Hispanic, and White, and by industry, changes in the workforce from 1981 to 1982, etc.) Mr. Newball-Obregón said that the Airport generated $122 million in revenues in calendar 1982, compared to $90 million in 1981. (see verbatim text from his report below).

This report contains the data gathered in an analysis of the workforce of the tenants who lease or rent at San Francisco International Airport. A questionnaire was sent out to all tenants October 14, 1982. A follow-up notice went out November 29, plus telephone calls during the month of December (9-10-11-12) requesting the return of the questionnaire. Of the 114 questionnaires that were sent out, to date 83 responses have been received.

An important factor pertaining to the tenants is that the bid for lease or rent goes to the highest bidder, as opposed to the lowest as in most other HRC-monitored contracts.

The tenants at San Francisco International Airport generate revenues ranging from $600 to $17 million annually. The amount of rent or fees paid is usually a percentage of the gross income, or a guaranteed annual minimum. The fees generated in 1982 were $122 million cmpared to $90 million in 1981.

Following are the six industries and categories surveyed in 1982:

Aircraft Service:

Nine tenants reported, compared to eight in 1981. The function of these companies is to provide maintenance to aircraft. This does not include United's workforce, because they are included in the airlines category. Although we have more tenant in 1982, the workforce went from 352 in 1981, to 343 in 1982 (1981-8) 1982-9).

Airlines:

Twenty-six (26) airlines reported, compared to twenty-nine in 1981. This figure includes commuter lines also. The 1981 workforce was 20,981 compared to 19,981 in 1982,a reduction of 1,000; Braniff went bankrupt during this period.

Passengers-Transportation-Parking:

Ground transportation companies which pay $1,200 annually in permit fees and all privately-owned parking facilities are included in this category.

In 1981 nine companies reported a workforceof 689, compared to eleven companies in 1982 with a workforce of 836.

Auto Rental:

All car rentals with a desk at the Airport are in this category. Five companies reported a workforce of 431 compared to the same number in 1981 with 565.

Aircargo-Freight:

All airlines dealing in transporting cargo and freight are in this group. In 1982 three companies reported, with 467, compared to five in 1981 with 1,008, employees.

Federal Express no longer operates out of San Francisco.

Concessionaires and Miscellaneous:

This includes all other tenants such as candy stands, news stands, gift shops, restaurants, florists, animal shelters, hotels, shoe shine stands, etc. In 1982 twenty-nine companies reported 2,539, compared to 2,781 in 1981.

FINDINGS

1. With 83 tenants reporting in 1982 there were 24,265 in the total workforce, compared to 26,376 in 1981.

2. The female sector of the workforce increased by 2.7%. In 1982, they represented 32.7% of the reported workforce, compared to 30% in 1981.

3. The racial minority workforce went from 27% in 1981 to 26.5% in 1982.

4. Minorities in all categories went down in 1982 from 7,229 in 1981- to 6,490, and are still underrepresented in all categories.

5. The most visible decrease in all categories for minorities was in the office and clerical, going from 1,078 in 1981 to 599 in 1982.

6. Minorities are still the majority of the workforce in the Concessionaires and Miscellaneous with 4,847 in 1981 and 3,599 in 1982.

7. Minnority females in the total workforce in 1981 were 2,104, compared to 1,780 in 1982, which is only 7.3% of the overall.

The total workforce at the Airport, the report shows, as in the Findings above, an 8.1% drop in total employment, with minorities in all categories, except Filipino, declining. The overall Filipino total went from 247 in 1981 to 451 in 1982. Minority percentages of the total workforce were: American Indian----0.4%

Asian/Pacific Islander ----8.7%

Black ----8.1%

Filipino ----1.8%

Hispanic ----7.4%

Total Minority ---26.4%

Total White ---73.6%

Mr. Newball-Obregón attributed these declines to the economic recession and its far-reaching effects on the airline industry and the airport.

The two reasons being that during 1982 a major law suit by the Airlines against City left their legal status with th city unclear until a settlement agreement in June 1982 and a Airport-Lease of use agreement was signed in July 1982.

Secondly, virtually all airlines were in a severe economic decline during 1982 thereby making affirmative action hiring agreements meaningless.

Commissioner Soler noted that these hearings can be the basis for addressing some of the concerns Mr. Newball-Obregón had outlined, as well. The Airport has submitted data as requested to the HRC as part of the MBE/WBE hearings.

It was then

****m/s/c to accept the Annual San Francisco International Employment Profile report (covering calendar 1982).

HOUSING AND URBAN DEVELOPMENT
Samuel Chung/George Suncin, Co-Chairpersons
Joe Jung, Member.

- Recommended Opposition to State Assembly Bill 965-State Preemption of Local Rent Control.

Commissioner Chung called upon Donald Hesse, staff to the Committee. Copies of AB 965, introduced February 24, 1983 by Assemblyman Alatorre, were distributed, and Mr. Hesse used a fact sheet published by Californians to Save Local Control, a Sacramento-based organization with representatives from the California Labor Federation, the Alameda Central Labor Council, the cities of Santa Monica and Berkeley, and Legal Services arms of the State Bar of California, to give the salient points of this proposed bill. The fact sheet states:

"If passed, AB 965 would have the following effects.

1. It would require all local rent regulation ordinances bo include findings, based on 'substantial evidence', that rent control is necessary and legal.

2. all newly constructed units occupied after 2/15/83 are exempt from rent control.

3. "Vacancy Decontrol"-that is rents on units voluntarily vacated could be increased, not subject to local rent control except that in certain cases the local government may provide for continuation of rent control on such a unit after the new tenant moves in.

Mr. Hesse said that the present San Francisco Rent Stablization Ordinance, passed originally in June of 1979, has these conditions in part already. He said that the main issues are:

1. Should the State dictate these kinds of controls on local communities?

2. Is rent control appropriately a State or a local concern?

3. Should San Francisco keep open its option to legislate rent control itself?

Mr. Hesse said that vacancy decontrol was one of the major concerns in the field of housing that was expressed at the public hearing the HRC's Social Issues and Police Liaison Committee held in Chinatown North Beach February 1. Yvonne Lee, of Self-Help for the Elderly, both at the February 1 meeting and, subsequently, on referral to the Housing and Urban Development Committee, has reaffirmed the strong objections of her consistency to vacancy decontrol. Passage of AB 965, she and many others feel , would preclude the City of San Francisco from taking any action to relieve this problem for renters.

It was then

*****m/s/c that the HRC oppose Assembly Bill 965.

- Commissioner Moulton requested that staff for the HUD Committe inform a number of ethnic community agencies and organizations (among them, Chinese for Affirmative Action, the Latino Democratic Club, the Mexican-American Political Association, etc.) of the HRC's action opposing Assembly Bill 965.

SOCIAL ISSUES AND POLICE LIAISON
Joan Zamora Moulton, Co-Chairperson
Robert Edwards, Member.

- Committee Report.

1. The Committee met April 26 to complete its responses to community concerns from the February 1 public hearing in Chinatown/North Beach. Each person or organization which spoke will be sent a status report on the followup on specific issues, with continued monitoring of those concerns and issues not yet resolved.

2. A tentative date for mid or late June will be made for the third hearing, this time in the Bayview Hunters Point neighborhood. Commissioner Edwards has offered the social hall of the Providence Baptist Church, on whose board of trustees he serves, as a meeting site.

NEW MATTERS

- Dissemination of City Work Position Announcements-Commissioner Morrissey.

Apropos of the discussion (see Communications), initiated by Commissioner Sevilla and joined by Commissioner Moulton, about concerns that there may not have been sufficient dissemination of announcment of applications being accepted for the position of Director, Office of Citizen Complaints, Commissioner Morrissey asked that the Employment Committee of the HRC be asked to look further into the issue, particularly the extent to which advertising is done in order to encompass and reach a wide diversity of ethnic/minority and women communities. The Commissioner also asked that the Committee check to see what standards are being used to check on whether sufficient dissemination and advertising is being done. And, further, he asked if the Committee would see if any attempt is being done to train through apprenticeship methods, or otherwise, to make possible entry into City employment by members of various ethnic groups,

*****This task was referred to the Employment Committee and Director Hicks said he would ask Frank V. Anderson of the HRC staff to make a report on this area of interest as Commissioner Morrissey outlined, eg., what procedures are used by the Civil Service Commission.

- Candlelight March for AIDS Victims and Families.

Commissioner Sevilla announced that a candlelight march to provide public awareness of the victims and families of victims of Acquired Immunity Deficiency Syndrome (AIDS) will be held, beginning at 7:30 PM on May 2, beginning at Castro and Market Streets.

CALENDAR MATTERS

- The Next regular meeting of the HRC is scheduled for Thursday, May 12, 1983 at 10:15 AM in the Third Floor Commission of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, May 5, 1983 9:30 AM 1250 Mission Street
Housing & Urban Development	To be announced.

Lesbian/Gay Advisory	Thursday, May 26, 1983 5:30-7:30 PM Community College District Offices 33 Gough Street, First Floor Auditorium
Social Issues Police Liaison	Tuesday, May 17, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
Youth and Education	Thursday, May 5, 1983 3:30 PM State Building 350 McAllister Street, Room 1200(First Floor) NOTE: This is a new meeting place.

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

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OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 12, 1983
Commission Room, Main Library

NEXT MEETING

DATE: Thursday, May 26, 1983
TIME: 10:15 A.M.
PLACE: Commission Room, Third Floor
Main Library, Civic Center

ROLL CALL

Commissioners:

Present: Phyllis Lyon, (presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, Richard Sevilla, Brenda Wade, Rabbi Martin Weiner, David K. Yamakawa Jr.

Excused: Antonio Grafilo, Joan Zamora Moulton, George Suncin, Esta Soler.

Staff:

Present: Grant S. Wickins, Frank Anderson, Bettye A. Burrell, Jack Casford, Beatrice Cardenas-Duncan, Linell Harden, Stanley Lim, Richard Norton, Clemente Obregon, Gail Roberts, Essie Thomas, Pansy Ponzio-Waller, Jackie Winnow.

- Ms. Burrell has joined the staff as an Affirmative Action Officer. She formerly was a trainer/counselor for Youth for Service.

PLEDGE OF ALLEGIANCE

Minutes of April 28, 1983 approved. At the request of Chairperson Lyon on April 28, Jack Casford was asked to ascertain from Commissioner Moulton (Page 2, fourth paragraph down) what agency called for public hearings in December of 1982 regarding the Hispanic definition issue. It was the federal department of Transportation.

On Page 6, next-to-last paragraph, the action should read

It was then

*****m/s/c that the HRC oppose Assembly Bill 965 (rather than 865).

COMMUNICATIONS

- From Hilary Hsu, Chancellor Superintendent, San Francisco Community College District, Commissioner Joan Zamora Moulton, thanking the Social Issues and Police Laison Committee for writing Assemblyman Vasconellos in favor of a cost-of-living adjustment for communiy colleges, and against tuition. The Committee letter had been sent April 15 in response to concerns expressed at the Public Meeting it sponsored in Chinatown North Beach February 1 about the need for cost-of-living adjustments and about the Administration's announced plans to request tuition fees.

- From Judith A. Boyajian, Deputy City Attorney, to Commissioner Rabbi Martin Weiner advising that the City Attorney, because of an absence from the City until May 16, would be delayed until that week in providing the HRC with a requested legal opinion on certain questions of law raised by the parties to the Show-Cause Hearing in the case of Skycaps v. Allied Maintenance and 15 Airlines.

- Phyllis Walker, Deputy City Attorney, to Diane Thompson, Rogers, Joseph, O'Donnell, & Quinn, requesting a ruling on an objection by Ms. Walker to document production prior to aMay 11 deposition in the Appeal Hearing procedures in Jenkins v. Double-O Trucking.

- From Attorney Walker to Mervin Honovitz, Coffman, Honovitz & Saulter, attorneys for Double "O" Trucking Co. in the above Appeal Hearing procedures, regarding the deposition for May 11. The formal hearing aspect of this Appeal has been completed.

- Chairperson Lyon announced that July 8 is the deadline by which any additional affidavits or other materials pertinent to the case are to be submiited.

- Commissioner Morrissey suggested that now was the time for the HRC . Administrative Committee to consider the setting of policy regarding such future Appeal Hearings or other cases, whereby in order to expedite such procedures, appellants agree to having one or two members of the HRC hear the evidence and let the others on the HRC hear the appeal on the transcript. Commissioner Yamakawa joined in this suggestion, and the Chairperson Lyon announced that the Adminstrative Committee will take up the matter at its next meeting, May 19 at 8:30 A.M. Room 509 at the HRC Offices.

Director Mickins said the first draft of the report on the MBE/WBE Hearings would be provided at that meeting, as well as suggested revisions of the Administrative Code as it relates to Appeal Hearings procedures.

- From M. M. Berston, Ph.D. Real Estate Coordinator, City College of San Francisco, expressing appreciation for the presentations on fair housing and human rights Donald Hesse, HRC Fair Housing Program Coordinator, made to the continuing education class. Mr. Berston also acknowledged the receipt of the booklet produced by the HRC Fair Housing Program, called " A Guide to Your Rights-For Tenants and Landlords.

- From Joaquin G. Avila, President and General Counsel, Mexican American Legal Defense and Educational Fund, a copy of a letter addressed to Dr. David J. Sanchez, Jr.,. President, Police Commission, regarding a reported very small number of Hispanics applying for the position of Director, Office of Citizens Complaints.

Director Mickins announced that a letter relative to concerns in this question as discussed at the HRC's April 28 meeting, partly in response to a letter from the Latino Democratic Club on the same issue, had been sent to Dr. Sanchez on behalf of the HRC. The HRC voted April 28 to request that the Police Commission provide the ethnic/minority breakdown of the applicant pool (including those who declined to state) to date for the position in question.

Chairperson Lyon said her understanding was thatapplicants were not required to indicate their ethnic or minority status on the application.

DIRECTOR'S REPORT

- HRC Budget.

The Budget.request goes this week to Harvey Rose, Budget Analyst for the Board of Supervisors.

Director Mickins said that the HRC is asking for $30,000 to contract with the Intergroup Clearinghouse for the position of Facilitator and staff support.

- It was announced that Eddie Baca has been selected from a number of applicants for the position of Facilitator of the Intergroup Clearinghouse. His office presently is at HRC---1095 Market, 558-4901.

- See Staff Listing on first page for introduction of Ms. Bettye Burrell, new HRC Affirmative Action Officer. Ms. Burrell, under the supervision of Gail Roberts is doing research and data-gathering of the testimony presented at the three HRC Public Hearings on Minority Business Enterprise/Women Business Enterprise Participation in City Contracts.

- Airport Janitor's Complaint of Non-Compliance and Director's Finding (Case 118-82) Issued April 13,1983.

Director Hickins announced that he trying for a negotiated settlement in this case, brought against Pacific Southwest Airlines, American Airlines, Western Airlines, and the World Service Company. He is hopeful that the issue may be resolved.

- Quantas Layoffs Case.

Investigation continues in this case, a formal Complaint, filed with the HRC by Quantas employees in February of 1983.

- Hispanic Definition and City Attorney's Opinion.

Director Hickins said he had obtained a firm commitment from Deputy City Attorney Judith A. Boyajian, that the Opinion requested by the HRC in the Spring of 1982 on whether the HRC can amend or alter the present definition (that is, as remove "other Spanish culture or origin" wording) of Hispanic under Chpater 12A of the City Administrative Code, will be provided by May 26.

-Commissioner Yamakawa asked if the HRC members could be provided advance copies (a working document) of the staff summary of material from the MBE/WBE Hearings in Febraury and March, and he was joined in this request by Chairperson Lyon.

Commissioner Morrissey noted that in discussions of the Hispanic definition the question had arisen of whether there should be differentiation among the various Hispanic groups (Chicano, Mexican, etc.)

Commissioner Yamakawa said he recalled from testimony by the Mexican American Legal Defense and Educational Fund in the Hispanic definition issue that there were recommendations for a "broader definition" for employment, and a "narrower definition" for minority business enterprises. He asked if the City Attorney could be asked to consider that in his Opinion,

The two Commissioners indicated they were in agreement that it was important to have the advice of the City Attorney on all issues raised in the matter.

Director Hickins said there were HRC concerns about the federal Hispanic definition, which currently includes Europeans from Spain and Portugal, as under its funding from the federal Office of Community Development, which is boun by rules and regulations under the Federal Register, it must follow their guidelines.

Commissioner Sevilla expressed concern at the year-long timelag in obtaining the Opinion, and that Commissioners Yamakawa and Morrissey's suggestions might delay it even futher.

- It was agreed that Director Hickins would contact Deputy City Attorney Boyajian directly to express the additional suggestions, which were seen as essentially part of the original request from the HRC.

REPORT FROM THE CHAIRPERSON

- Health Benefits Task Force.

Chairperson Lyon announced that the Mayor has appointed her to serve on the Health Benefits Task Force, which is an outgrowth of the issues around the debate last year of a proposed Domestic Partnership Ordinance regarding City benefits.

- Double-O Hearing Followup

The Commissioner will meet soon with Attorney Diane Thompson, who acted as the Councel for the HRC for the eight sessions of this Appeal Hearing. The tentative meeting place will be at Ms. Thompson's 505 Sansome Street Office. This will be decided more definitely in a few days.

STANDING COMMITTEES

YOUTH AND EDUCATION
Brenda Wade/Rabbi Martin S. Weiner, Co-Chairpersons
John C. Morrissey, Member.

- Speical Education Programs and Services Offered by the San Francisco Unified Sbccol District-(SFUSD) Report and Recommendations-Diane Healy.

Beatrice Cardenas-Ducnan, who staffs the Committee, was asked by Commissioner Weiner to introduce Ms. Healy, a student studying for her Master's degree in Social Welfare from San Francisco State University. Ms. Healy has been attached to the HRC for several months, during which time she has done exhaustive research on the subject of Special Education Programs in the SFUSD.

Ms. Healy had made her formal presentation first at the Committee level at several meetings, out of which grew the Recommendations. Commissioners were each provided a copy of her report of twenty narrative pages, supported by Appendices A through o.

Ms. Healy said there are currently approximately 6,000 children and youth (between the ages of 3 and 21) who are emotionally, developmentalyy or physically disabled who attend public schools in the District (as the San Francisco Unified School District will be referred to hence). Ms. Healy's narrative gives details of the organizationof Special Education programs and services, the breakdowns of special kinds of programs (eg., autistic, aphasia, hard of hearing/hearing impaired etc,) and full descriptions of them, with a description of how placement is done and the production of Individual Education Plans. Translators are provided for parents at IEP meetings, and the IEP goals are "linguistically appropriate" in the case of limited or non-English speaking students.

- Ms. Peggy Gordon, Compliance Officer, SFUSD, was present at this presentation and provided further information to Commissioners on procedures for bhe IEP assessments. For example, if the District cannot provide a special service an individual child may need, parents may choose from among three private institutions, and if those resources do not have the specialized, individualized instruction services, there may be a one-on-one instructor paid the the individual student.

Ms. Healy's report also stressed the extensive provisions for parental involvement in special education programs, their rights under federal legislation (Rehabilitation Act of 1973), the Communtiy Advisory Council, etc.

Of the problem areas detailed in her report, Ms. Healy highlighed the following.

1. Funding- There is an understanding crisis, with both federal and State monies being reduced, causing a similar reduction in the scope and number of special education programs. Californai ranks 43th in thenation for allocations to Special Education. In 1978, California ranked 3rd.

2. Lack of Qualified Minority Special Education Teachers.77% of the Special Education students belong to minority groups, but 80% of the Special Education teachers are classified as "White/Other White."

3. Shifting of Special Education Personnel-What Ms. Healy called "the constant re-assignment of shifting" of Special Education personnel (programs managers, administrators, and support staff) affects adversely the stability and continuity of the prgrams.

4. Lack of Coordinated District-Wide Vocational Education Curriculum-

This, she said, is disturbing to parents and members of the Association for Retarded Citizens.

Ms. Healy said that the District has worked extremely hard to integrate disabled students through all levels of schooling, and it has also stressed attitudinal change as vital for its staff, so that Special Education students now are viewed as "our" children and not "those different, handicapped, isolated" children.

Other problems discussed, other than the four highlighted ones, include, lack of understanding about the nature of Special Education and improperly monitored quality of teaching; too-large caseloads and site assignments, inadequate psychological services, inadequate differential staffing patterns; a shortage of speech clinicians and a lack of alternative regular education programs for children who need specialized help and attention, but who may not be fully qualified for Special Education classes.

Special Education, Ms. Healy's report shows, comprises 11.3% of the District 1982-83 school budget, or $23.9 million of the total $212.7 million. This an increase from the 1982-83 budget, which was $22.3 million out of a total of $210.9 million. The District spends $2,000 a year on each regular education student, $6,000 on each Special Education student.

In Commissioner comment and questioning following Ms. Healy's formal presentation, there was concern about IEP language provisions, and Commissioner Lee responded in dome detail, but the main factor was the lack of adequate funding to provide everything from clerical backup for processing work to the professional staff needed. "Funding," said Commissioner Lee, "is the critical issue." There will be redistribution of federal and state fudning and a different emphasis on programs, she said.

Commissioners Chung and Yamakawa also had comments about portions of the report.

Ms. Healy's report stressed the number of sources she consulted in trying to make the report comprehensive, and she noted that the District and other interested parties were afforded an opportunity to submit corrections or additions to it. She stressed that the purpose of the report is to highlight the position of Special Education with the District and to point to areas of concern.

Commissioner Weiner expressed on behalf of the Committee and the HRC high commendation to Ms. Healy for what he called "a superb piece of work". He cited her personal dedication ot the project, which, he said, serves the HRC and community well.

It was then

*****m/s/c that the HRC accept the Status Rport 1983 on Special Education Programs and Services, Offered by the San Francisco Unified School District, for Individuals with Exceptional Needs. and that

the HRC adopt the following Recommendations that:

1. The Superintendent of Shcools and his staff be commended for incorporating Special Education as an integral part of the schools, so that they have become all "our" students, rather than reamin isolated.

2. the teachers and support staff of the Special Education Programs and Services Division within the San Francisco Unified School District be commended for their devotion, hard work, and active participation as the students' advocates.

3. the California Congressional Delegation urge that the Office of Education provide commensurate funding for federally-mandated education, especially in the area of Special Education.

4 the California Legislature provide funding for the actual number of students currently enrolled in Spcial Education classes, instead of restricting funding to a previous year's level.

5. the San Francisco Board of Education instruct its staff to intensify recruitment efforts for qualified minority Special Education teachers, with an emphasis on bilingual skills, and with the Board offering them permanent positions.

6. the Special Education Programs and Services Divsion develop and implement a more satisfactory method of obtaining substitute Special Education teachers, and establish and utilze a method of obtaining substitute paraprofessionals for Special Education classes.

7. the San Francisco Superintendent of Schools set a minimum period of job occupancy for Special Education administrators, administrative assistants, and program managers with overlapping terms to promote continuity, stability, and expertise in the management of Special Education programs and services.

8. the Associate Superintendent, Staff Development, Curriculum and Program Evaluation, establish intensive inservice training for all administrators who are rotated within or into the SFUSD Special Education Division, and continue to provide all school personnel with inservice trainings in order to promote and understanding of the unique needs of Special Education students.

9. the Superintendent of Schools continue to set standards for a prevocational vocational and career development curriculum in Special Education to be utilized district-wide for grades K-12.

10. the Department of Public Health, the Department of Social Services, the Juvenile Court, and the SFUSD finalize and implement inter-agency agreements commiting each agency to provide and fund appropriate services for Special Education children.

EMPLOYMENT
Antonio Grafilo/Esta Soler, Co-Chairpersons
Thomas Ambrogi, Member.

- Minority and Women Business Enterprises' Participation in City Construction Contracts, 1982 - Stanley Lim, Contract Compliance Officer.

In the absence of the Co-Chairpersons, Mr. Lim was introduced by Director Hickins. He had made the presentation of this report to the Employment Committee at its most recent meeting.

Copies of Mr. Lim's narrative and statistical report were provided all members of the HRC in advance of this meeting. Commissioner Weiner expressed his appreciation for the clarity of the summary portion of the report.

Mr. Lim acknowledged the contributions of materials for his report from colleagues on the HRC staff, Linell Harden, Pansy Ponzio-Waller, Julie Yim, and Richard Norton.

This is the fourth in a series since the adoption of the HRC's MBE/WBE Program in 1976, though the WBE portion did not begin until 1980. The purpose is to document the staff's activities during the year, to provide measurement on progress made (or not made), to give figures comparing minority participation, and to give a projection for 1983.

Following is the text verbatim from Mr. Lim's report:

After reaching an all-time high in 1981 in terms of the total amount of contracts awarded by contrast 1982 was a year of retrenchment for some departments, and of modest increase for others. The total dollar amount of contracts awarded during the year was only $61.8 million, down by about 400% from $275.2 million for 1981. The cause for the sharp down-turn was the delay in planning and scheduling of contracts by two major departments: The Clean Water Program and the Port Commission.

The former awarded a record-breaking amount of contracts of some $200 million in 1981. It's only natural that a period of consolidation is needed before the next major move, expected in 1983. The Port Commission's widely-publicized Ferry Building renovation project is still in the planning stages, so there were no major construction contracts let there in 1982. There was a slight increase in the amount of contracts awarded by the Airports Commission, Parking Authority, and the Mayor's Office of Community Development.

Minority and women business participation in 1982 showed a gain of 10% above 1981, from 18.0% to 20.5%. But the dollar value showed a sharp decrease in the total amount of contracts-from $49.6 million to $12.6 million. Nevertheless, the MBE/WBE achievement in 1982 was the highest in a given year since the goals were established.

Mr. Lim also did an analysis of MBE/WBE participation in contracts let by various Ciyt awarding departments, and stressed the work HRC staff does on MBE/WBE complaints about 35 pre-award MBE/WBE certification investigations, a 25% increase over 1981. He said this work was essential to the success of the program, and that vigorous monitoring was conducted by the HRC. Eighty percent of those investigated, he said, were disqualified.

He noted that the HRC was gien an award during 1982 by the National Minority Contractors Association for "Excellence in MBE Achievement" in recognition of its agressive stand in the investigation of alleged MBE/WBE violations.

Looking to the rest of 1983, he reported that:

After a comparatively low production year in 1982, most awarding agencies will be more actively preparing new contracts in 1983. Among the major contracts expected to be awarded in 1983 will be: (A) Clean Water Prgram's Westside Pump Station ($25 million), Great Highway Reconstruction ($11 million), and Southeast Community Facility ($15 million ?); (B) two to three large parking structures under the Parking Authority; (C) Street Improvement Dpeartment of Public Work's Upper Market Street Beautification ($3.2 million); (D) the usually large share of smaller housing contracts under the Office of Community Developmnet; (E) Airport's South Terminal Renovation; (F) the much talked-about Ferry Building Renovation project may be ready to award. By all acounts, the total awards in 1983 will exceed 1982's.

On the administrative level, the possibility of further revisions of the HRC Program will likely occur later in 1983. In the last revision (January 14, 1982), it was indicated that periodic reviews will be necessary to update the threshold of gross receipts for the qualifying MBEs/WBEs. But more importantly, from the results of the HRC's MBE/WBE 1983 public hearings a wide range of concerns--from goals-setting to procedural matters such as the timing for submission of forms--will certainly require a serious reivew of the current program.

	Amount	% of Total Contract	% of MBE/WBE Amount Only
Black	$4,567,612	7.4%	36.0%
Hispanic	$4,683,743	7.6%	37.0%
Amer. Ind/Als. Nat.	$ 13,950	0.02%	0.1%
Asian/Pac. Islander	$2,926,230	4.7%	23.1%
Filipino	$ 203,229	0.3%	0.3%
WBE	$ 283,662	0.5%	2.2%
Minority Truckers	$ 281,958	0.5%	2.2%

As shown above, Black, Hispanic, and Asian contractors dominated the total award to MBEs and WBEs, with an extraordinary 96% share. Hispanic contractors replaced Black contractors as a group, receiving the highest amount, with a small gain of 37% over 36%. The underrepresentation of the rest of the group --American Indian, Filipino and women contractors--was due apparently to their limited availability. Although it's difficult to inspect the current MBE/WBE directories to determine the number of available American Indian, Filipino and women contractors, they are relatively fewer than any of the above three major groups. In order to compensate for this, the obvious need is some form of outreach service to help facilitate their participation.

Approximately 70 of the total 90 MBEs/WBEs individually identified on a contract-by-contract basis in the report had done business with the City in prior years. Many of them appeared on either the 1981 or 1979 report, they are certainly in the category of viable construction contractors or material suppliers.

Comparison with 1981: For reasons already stated, the total dollar amount of contracts awarded in 1982 was much less than 1981. Similarly, the actual dollar value of contracts awarded to MBEs/WBEs also showed a lesser amount. However, by percentage ratio, it actually registered a gain of nearly 14% over 1981, from 18.0% to 20.5%

It is clear that the ratio of minority and women contractor's participation over the years has been gradually rising from 11.9%,when we conducted our first survey in 1977, to nearly twice that amount currently.

Further comparison among the various ethnic groups can be made by analysis of individual groups. The three major ethnic groups--Black, Hispanic and Asian--received 36%, 37%, and 23.1%, respectively, of the MBE/WBE total, which represents the best balanced level of participation for them than in any previous period surveyed. The greater fluctuation of Black contractors-- a decrease from 60.3% of the MBE amount in 1981 to 36% for 1982--can be explained in that the previous year's higher figure was skwed by one Clean Water contract where Black contractors' participation was particularly high. Whereas in 1982, the distribution appeared to be more divided. Ironically, there was no Black contractors' participation in the current Clean Water contracts.

Hispanic contractors returned to a more acceptable level of participation, from 13.3% in 1981, to 37.0% in 1982.

Asian and Filipino oontractors also improved considerably in relationship with the percentage ratio since last year: 23.1% over 20.7% in 1981 for Asians; 1.6% against 0.9% for Filipinos.

Women contractors, on the other hand, made substantial gains in 1982, and rose frm 0.6% to 2.2% of the MBE amount. When compared with the total contracts awarded amount, this represents only 0.5%. Given the growing interest and increased availability, coupled with the imposition of WBE goals in more contracts, it's expected hhat their particiaption will increase to a more acceptable level before too long.

American Indian and Alaskan Native contractors showed the sharpest relative decline of any group, from 0.8% in 1981, to 0.002% in 1982. The Compliance staff is disturbed by this unexpected development. Particularly puzzling was the fact, that there were no American Indian or Alaskan Native contractors participating in any other department exceptthe Office of Community Development.

Minority truckers also registered a decrease, as the number of Clean Water contracts,which generate most of the dirt hauling opportunites, had been curtailed or delayed since 1981.

Tables attached to Mr. Lim's narrative report included: a Summary of MBE/WBE Participation: July 1977-December 1982; a Comparative Analysis of MBE/WBE Participation: July 1977-December 1982: and an Analysis (by department project) of MBE/WBE participation in Contracts awarded in calendar 1982.

Tables attached to Mr. Lim's narrative report included: a Summary of MBE/WBE Participation, October 1, 1981-December 31, 1982; a Comparative Analysis of MBE/WBE Participation: July 1977-December 1982; and an Analysis (by department project) of MBE/WBE participation in Contracts awarded in calendar 1982.

Questions were posed to Mr. Lim following his presentation by Commissioners Weiner, Morrissey, Sevilla, and Yamakawa on particular aspects of the formal report, and on such points as the separation of statistics for minority truckers, on the investigations statistics and experience, and on the performance of certain prime contractors in appearing to submit non bona-fide MBE/WBE subcontractors on more than one project.

- Commissioner Chung questioned some of the organization of Mr. Lim's narrative and, on the suggestion of Commissioner Yamakawa, the HRC asked Commissioner Chung to give his marked copy of the full report with the changes he recommended, to Mr. Lim, who will bring his completed report back to the HRC May 26 for final approval.

- At this point in the meeting, at 11:47 AM, Commissioner Sevilla asked that the record show that of the original eleven Commissioners who had opened the meeting, six had departed, leaving the HRC without a Quorum.

SOCIAL ISSUES AND POLICE LIAISON
Joan Zamora Moulton, Chairperson

Robert Edwards, Member.

- Public Meeting-Bayview/Hunters Point District.

In the absence of Commissioners Moulton and Edwards, Beatrice Cardenas-Duncan reported that Tuesday, June 28 has been selected as the next (the third in a series) Public Meeting (to hear community concerns) that the Committee will sponsor. The event will be in the Social Hall of Providence Baptist Church, 1601 McKinnon Street, where Commissioner Edwards is a trustee.

Commissioners were invited to provide names of individuals and organizations which should be invited to this meeting, which will begin at 7 PM.

- Proposed Resolution on the Responsibilities of Employers.

The Committee anticipates bringing to the full HRC at its regular meeting May 26 a proposed Resolution on the Responsibilities of Employers, which is on an issue also being addressed by state and local legislators. Assemblywoman Maxine Waters has introduced a measure on the state level requiring notice of anticipated plant closures. The Committee work grew out of a suggestion by one of its members on the moral commitment and obligations employers should be required to undertake given the serious problems faced by employees and their families and the communities they live in when firings or layoffs or plant closures take place, often with little or no advance notice.

- Commissioner Yamakawa said he felt this was a matter that the Employment Committee should be consulted on.

- Followups to February 1 Public Meeting.

The Committee has completed its followup meetings and action on a number of concerns (housing, transportation, immigration, health, nutrition, etc.) expressed to it at the February 1 Public Meeting for the Chinatown North Beach community. Letters showing the status of all these items have been sent to the individuals and organizations who testified February 1. The Committee continues its monitoring of general areas of concerns, such as immigration procedures, possible community college tuition fees, and the Medically Indigent Adults transfer program impact on the community.

- Commissioner Yamakawa inquired as to Commissioner Sevilla's no longer being carried as Co-Chairperson of the Social Issues and Police Liaison Committee, and was told that his letter of resignation (Sevilla also is Co-Chairperson of the Lesbian Gay Advisory Committee) has been sent.

- On the subject of Committee -sponsored Public Meetings, Commissioner Yamakawa expressed his concern that the HRC should not schedule "a lot of hearings and raise a lot of community expectations" that there is not sufficient staff or time to follow up on.

Ms. Cardenas-Duncan noted that Eva Vidaurri Royale has volunteered to extend her work with the HRC to planning and carrying out the June 28 Public Meeting.

Commissioner Yamakawa said his concern was that Public Meetings create a lot of work for other staff to have to deal with.

Commissoiner Sevilla said the HRC needs to consider whether the amount of work generated by Public Meetings and the like is not over-burdening staff, which already is under great work pressure, especially in the past four months.

Chairperson Lyon stated that in the future the Standing Committees should obtain the approval and authorization of the HRC before a Public Meeting is scheduled. She asked whether the Social Issues and Police Liaison Committee had done this before its first Public Meeting in January.

Ms. Cardenas-Duncan pointed out that the Public Meetings and their followup had generated a great deal of personal involvement by Social Issues and Police Liaison Committee members and Commissioner-members, who scheduled personal meetings with local officials on specific concerns.

LESBIAN/GAY ADVISORY COMMITTEE

Richard Sevilla/David K. Yamakawa, Jr., Co-Chairpersons

- Committee Report-Jackie Winnow

At the meeting April 28, the Committee began work on implementing the HRC action on that same date at its regular meeting to sponsor a booth at the June 26 Lesbian Gay Freedom Day Parade and Rally which will be in the Civic Center. The Committee wished to thank the HRC for taking this sponsorship action. A member of the Commission on the Status of Women is helping design and execute a Human Rights Commission banner. Ms. Winnow asked for staff and Commissioner volunteers to help staff the booth.

- The Committee has instituted a formal set of guidelines for its meeting agenda, speakers, procedures, etc. Those who wish to address it are given explanation of meeting rules and procedures and followups.

- Pat Norman, Coordinator of Lesbian/and Gay Services, Department of Public Health, and Rick Crane, Director of the Kaposi Sarcoma Foundation, were invited to give initial information on AIDS (Acquired Immunity Deficiency Syndrome).

- The next L/GAC meeting will be Thursday, May 26 at 5:30 PM at 33 Gough Street.

OLD BUSINESS

- Form 730

Commissioners were reminded to send Jack Casford their completed Form 730, Statement of Economic Interests.

NEW BUSINESS

- The Council for Civic Unity will honor Associate Justice Allen E. Broussard of the Supreme Court of California as its Citizen of the Year at its annual dinner meeting Thursday, June 2. The dinner will be at the Veterans Building at Van Ness Avenue and McAllister Street, in the Green Room on the Second Floor. No-host cocktails at 6 PM, dinner at 7 PM. The cost is $16 a plate and reservations may be made by sending a check to Council for Civic Unity, 870 Market Street, Room 941, San Francisco, CA 94102, or by calling 781-2033. Eugene Block is the Executive Director of the Council, and the dinner will also feature the fourth annual presentation of the CCU Block Journalism Competition awards, established in his honor.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, May 26, 1983 at 10:15 AM in the Third Floor Commission Room of the Main Library.

The schedule of the HRC regular meetings for the rest of 1983, through December, have been mailed to all Commissioners.

STANDING COMMITTEES

Employment	Thursday, June 2, 1983 9:30 AM 1850 Mission Street
Housing & Urban Development	To be announced
Lesbian/Gay Advisory	Thursday, 26, 1983 5:30-7:30 PM Community College District Offices 33 Gough Street, First Floor Aduitorium
Social Issues and Police Liaison	Tuesday, May 17, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets-First Floor
Youth and Education	Thursday, May 19, 1983 3:30 PM John Adams Community College Center 1860 Hayes Street, Room 136

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp:gm

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 26, 1983
Commission Room, Main Library

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ROLL CALL

COMMISSIONERS

Present: Phyllis Lyon, (Presiding), Samuel Chung, Robert Edwards, Joe Jung, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, David K. Yamakawa, Jr.

Excused: Thomas Ambrogi, Antonio Grafilo, Corrine Lee, Brenda Wade, Rabbi Martin Weiner.

STAFF

Present: Grant S. Mickins, Frank Anderson, Bettye A. Burrell, Beatrice Cardenas Duncan, Stanley Lim, Richard Norton, Clemente Obregon, Vicky Rathbone, Gail Roberts, Mary Gin Starkweather, Essie Thomas.

PLEDGE OF ALLEGIANCE

Minutes of May 12, 1983 were approved.

COMMUNICATIONS

- From Robert L. Demmons, President, San Francisco Black Firefighters, questioning the contract awarded to Biddle and Associates to prepare promotional examinations. Biddle and Associates had prepared an exam in 1978 which was declared discriminatory by DFEH and is under appeal. The letter cites statistics which indicate that Blacks are sorely underrepresented in the Fire Department, and asks the Human Rights Commission to investigate the matter.

- From John C. Taylor, Clerk of the Board, regarding budget hearings for HRC to be held on Thursday, June 23, 1983 at 1 P.M. by the Finance Committee. The HRC is in the Health and Community services section. Commissioners and supporters are urged to attend.

- From Judith A. Boyajian, Deputy City Attorney, regarding the "Skycaps" case. In Director Mickins' Finding he found that the HRC did not have jurisdiction in that case because a collective bargaining agreement existed between Allied Maintenance Corporation and the Brotherhood of Railway and Airline Clerks. The City Attorney's opinion concurred with Mr. Mickins' Finding.

The following questions and conclusions were presented:

1. Does the permit to provide Skycap services at San Francisco International Airport constitute a "contract" within the meaning of Section 12B.1 of the San Francisco Administrative Code?

2. Does the National Labor Relations Act preclude the Human Rights Commission from assuming jurisdiction over a prevailing wage complaint where the parties are engaged in a collective bargaining process within the jurisdiction of the National Labor Relations Board?

CONCLUSIONS

1. Yes.

2. Yes.

- From Burk E. Delventhal, Deputy City Attorney, regarding the question: Is the Human Rights Commission empowered to issue a subpoena?

The answer is: Yes , the Human Rights Commission is empowered to issue a subpoena as set forth in the Administrative Code Sections 12A. 5 (a) and 12A. 9 (b) and that Sections 12A.5 (a) and 12A. 9 (b) are valid excercises of the home rule and police powers conferred on the City and County by the state constitution and of the power conferred on the Board of Supervisors by Charter Section 2.101.

DIRECTOR'S REPORT

- An Administrative Committee meeting was held on Thursday, May 19, 1983. It discussed a proposed revision of the Rules of Procedures so that three Commissioners, rather than a full body of Commissioners, would need to be present at an appeal hearing. These Commissioners would hear evidence and present their opinion to the full Commission who would serve an an appellate body to hear only oral arguments and possess transcripts. This process may also eliminate the show cause hearing phase of the procedure.

Director Mickins has asked the City Attorney for an opinion regarding this proposal.

Commissioner Moulton asked if a method for selecting the three Commissioners, such as alphabetical order, had been discussed.

Commissioner Morrissey also asked if it was possible if more than the three Commissioners might participate in rendering the opinion since everyone would be in possession of a transcript. Director Mickins agreed to raise the issue with the City Attorney.

Commissioner Morrissey then raised the question of the imposition of fees for staff and Commissioner services. Director Mickins said that the issue will be brought to the attention of the Board of Supervisors. The matter has already been discussed with the Parking Authority. Mr. Stanley Lim, Contract Compliance Coordinator, has drafted a fee schedule for payment by individual contractors.

Commissioner Moulton raised the question of appellants such as Double- O Trucking paying for services rendered by the Commission.

Commissioner Sevilla questioned the fairness of such a payment requirement for complainants.

Commissioner Morrissey stated the people must pay court costs such as filing fees and jury fees.

All of the above concerns will be referred to the City Attorney for response.

The Administrative Committee was commended for its prompt action on the above issue.

REPORT FROM THE CHAIRPERSON

- Social Issues and Police Liaison Committee

Chairperson Lyon announced that Commissioner Sevilla has resigned as Co-Chairperson of the Social Issues and Police Liaison Committee and Commissioner Edwards is the new Co-Chairperson with Commissioner Moulton.

- The Human Rights Commission received a thank-you card from Mrs. Sala Burton for the condolence card sent.

STANDING COMMITTEES

EMPLOYMENT COMMITTEE
Antonio Grafilo/Esta Soler, Co-Chairpersons
Thomas Ambrogi, Member.

- Minority and Women Business Enterprises Participation in City Construction Contracts, 1982/ - / Stanley Lim, Contract Compliance Coordinator.

At the request of Commissioner Chung at the May 12, 1983 meeting, Mr. Lim returned with several revisions to his report.

The revisions are as follows:

On page one of the report, first paragraph, it formerly read: "The total amount of contracts during the year was only $61.8 million, down by about 400% from $275.2 million for 1981."

It now should read:"..., or about one-fourth of $275.2 million awarded in 1981."

Also on page one, second paragraph it formerly read: "Minority and women business participation in 1982 showed a gain of 10% above 1981, from 18.0% to 20.5%."

In now should read: "... an increase of 2.5% which represents a 10% gain above 1981,..."

There were two clerical errors on page two: The percent of MBE/WBE amount Only for Filipinos was changed from 0.3% to 1.6%.

The percent of Total Contract for WBE was changed from 9.5% to 0.5%.

Mr. Lim thanked Commissioner Chung for his suggestions.

It was

*****m/s/c that the revised report be accepted.

- Letter to Mr. Raymond Donovan, United States Secretary of Labor regarding the Reagan Administration's Proposed Changes to OFCCP Regulations Governing Affirmative Action Requirements for Federal Contractors.

Commissioner Soler introduced a letter written to Secretary Donovan urging withdrawal of the present proposals weakening the OFCCP regulations. A memo from Women Employed, an organization headquartered in Chicago, is also attached.

Commissioner Morrissey stated that he was concerned whether the Committee had considered what the response from Mr Donovan would be. He was concerned that both sides be fairly represented before the Committees.

Commissioner Soler emphasized that although there may not have been outside speakers from both sides to present issues to the Employment Committee, she felt that the Committee members themselves were diverse enough that all issues were thoroughly aired. Commissioner Sevilla then suggested that a verbal synopsis of a Committee's response to issues be presented to the Commission along with the recommendation.

Commissioner Moulton expressed her support for the letter and emphasized that there had been no public hearings held by the Federal Government regarding these new regulations.

It was

*****m/s/c that the letter be sent.

- Employment of Minorities and Women with the San Francisco Convention Facilities from January 1982 thru December, 1982. A report by Richard Norton, Contract Compliance Representative.

Copies of Mr. Norton's narrative and statistical report were provided all members of the HRC in advance of this meeting.

Following is the text verbatim from Mr. Norton's report:

Introduction

Submitted for your information is the second report on minority and women participation in employment with the San Francisco Convention Facilities, hereinafter referred to us "FMI" (Facility Managment Incorporated). FMI is the corporation that manages the Civic Auditorium, Brooks hall, and the Moscone Convention Center under one Master Agreement.

This report addresses the goals established in the Affirmative Action Agreement between the HRC and "FMI". Also, the report will give you a status review on the employment of minorities and women by FMI and ARA Service, Inc. ARA Services, Inc., hereinafter referred to as "ARA" is FMI's major service sub-contractor. The employment statistical analyzed data as shown in the A & B series categories is in line with the past reports format to afford a clearer basis

for comparison.

Employment of Minorities and Women with Facility Management Incorporated and ARA Services, Incorporated during one year of operation from January 1982 through December 1982.

By
Richard G. Norton

Source of Information

Throughout the year, FMI-ARA submitted their employment work force reports each month to the HRC. These reports are then researched and analyzed. This report is based on cumulative employment statistics taken from the work force reports over a twelve month period. As in the past, where payroll sheets are unavailable, verification of the work force reports is done by periodic job site visits.

For completeness of employment statistics, this should be the most accurate since previous reports were based on quarter or a "representative" month instead of the entire year.

The number of job categories covered in this report, in the beginning, was eighteen. Seven job categories were used by FMI, while eleven job categories were used by ARA. As you will note in the statistical portion of the report, various job categories were eliminated. The reason for the elimination of jobs is present under investigation by HRC staff. For the statistical information, the following series were formulated.

Summary Highlights

Below is ethnic work force analysis for the twelve month period. Also included is the representative percentages for ethnic groups, male and female.

FMI Employment Work Force

White	=	1,005	male employees	=	46.3%
		187	female employees	=	8.6%
Hispanic	=	174	male employees	=	8.0%
		59	female employees	=	2.7%
Black	=	566%	male employees	=	26.1%
		77	female employees	=	3.6%
Asian/PI	=	39	male employees	=	1.8%
		20	female employees	=	.9%
Filipino	=	34	male employees	=	1.6%
		0	female employees	=	-0-%
AI/AN	=	9	male employees	=	.4%
		0	female employees	=	-0-%
		2,170	Persons		100.0%

ARA Employment Work Force

White	=	430	male employees	=	37.1%
		244	female employees	=	21.1%
Hispanic	=	182	male employees	=	15.7%
		26	female employees	=	2.2%
Black	=	147	male employees	=	12.7%
		15	female employees	=	1.3%
Asian/PI	=	8	male employees	=	.7%
		0	female employees	=	-0-%
Filipino	=	84	male employees	=	7.3%
		22	female employees	=	1.9%

AI/AN	=	0	male employees	=	-0-%
		0	female employees	=	-0-%
		1.158	Persons		100.0%

On a race by race basis, our analysis of participation by ethnic groups is somewhat suspect. There is adequate minority male participation in some ethnic groups, however, other ethnic groups have very few or no male workers. The minority female participation is extremely low in most ethnic groups to non-existent in other ethnic groups. For these reasons, employment turnover and recruitment procedures will be closely monitored.

Complaints of Non-Compliance

No formal, official, nor any other type of complaint regarding employment with FMI or ARA has been filed by anyone with the HRC.

MBE and WBE Participation

There has been very little particiation by Minority Business Enterprise and Women Owned Business Enterprise with FMI. HRC staff is now monitoring and will continue to monitor this area very closely. Also, the MBE/WBE participation with FMI will be scrutinized by various interested outside groups including City legislators, City departments and HRC Staff.

Conclusion

Statistics presented herein demonstrate that minorities have secured jobs in some employment categories. While we see satisfactory results in some job categories for minorities, there is still the need to increase minority participation in most categories, especially the higher salaried categories. Asian men and women, Filipino men and women, and American Ind./Alaskan Native men and women are practically non-existent in most categories. It is very clear that much work has to be done to bring the minority employment level up to the established Affirmative Action Goals, but you can rest assured the Human Rights Commission staff will continue to work with concerned parties and groups to effectuate and fulfill the Affirmative Action Agreement provisions.

****

At the end of his report Mr. Norton emphasized that women in general were underrepresented and in rewriting the agreement there would be increased women and minority goals.

In response to a question by Commissioner David Yamakawa, Mr. Norton stated that FMI had a contract for 6 years. He also pointed out A.R.A. had been the prime sub-contractor but had been dropped and F.M.I. alone held the Moscone Center contract.

Commissioner Morrissey commented on the need for explanation of which criteria are used in the negotiation of Affirmative Action Agreements.

Director Mickins stated that in all Affirmative Action Agreements, the labor market availablity is used except in cases of historical discrimination in certain trades where a goals is set on an individual selective basis.

Commissioner Morrissey felt that the qualifying minorities and women for certain jobs might be a concern of the Youth and Education Committee.

Commissioner Moulton expressed her concern over usage of the 1980 Census which states that the Latino community was listed as under 12%, which is very low. Commissioner Moulton wants to use actual population statistics of the City and County of San Francisco rather than labor statistics.

Director Mickins said he would advise the staff to include their statistical base in future reports.

Commissioner Sevilla wanted to know if any formula was used in determining goals for individual agreements. Director Mickins said it depends on the industry but that the 1980 Census, the Standard Metropolitan Statistical Area

and Labor Market Availability statistics were used.

Commissioner Chung asked how many persons were hired in 1982. Mr. Norton said the statistics were gathered on a month-to-month basis and did include people who may have been hired only for a few hours.

Commissioner Chung suggested that statistics be shown on dollars earned rather than bodies hired.

Director Mickins stated that now FMI has been requested to report on an hourly basis rather than unit person basis.

Commissioner Suncin requested more updated information citing that the statistics were only to December 1982. It was pointed out to him that due to the extra workload imposed by the Double O Trucking Hearing and delays in Mr. Norton being able to present his report (dated April 4, 1983) that the statistics were dated. However, Mr. Norton will have statistics through June 30, 1983 ready for presentation in August, 1983.

It was

*****m/s/c that the report be accepted.

- At the request of Commissioner Moulton, another concern about Mr. Lim's report was heard. Commissioner Moulton wanted to know how a person who was both a woman and a minority was counted in MBE/WBE goals. Mr. Lim stated that they are counted as one or the other on a contract by contract basis. They have the option to choose which they want to be dependent on the prime contractor's MBE/WBE needs. It was emphasized that double counting did not occur either in MBE/WBE or employment statistics.

SOCIAL ISSUES AND POLICE LIAISON

Joan Zamora Moulton/Robert Edwards Co-Chairpersons

-Public Meetings-

There will be another public meeting at:

Date: Tuesday, June 28, 1983
Time: 7-10 P.M.
Place: Providence Baptist Church
1601 McKinnon Avenue/3rd Street
San Francisco, Ca. 94124

The next planning meeting in preparation for the public meeting will be held on June 7, 1983.

- Proposed Resolution on Responsibilities of Employers/-/Beatrice Cardenas-Duncan.

Ms. Duncan presented a proposed resolution on responsibilities of employers who relocate and leave people without work.

The full text follows:

PROPOSED RESOLUTION ON RESPONSIBILITIES OF EMPLOYERS

WHEREAS, employees of business, companies, and government are natural resources; and

WHEREAS, businesses and companies ideally should return land to its original conditions as much as possible after they are through using such natural resources; and

WHEREAS, business and companies owe an equal responsibility to their employees when they make a decision not to maintain operations at the current level; and

WHEREAS, these employees have many more years of productive service; and

WHEREAS, the Social Issues and Police Liaison Committee of the Human Rights Commission believes businesses, companies, and government owe a duty to their most valuable resources, their employees; and

WHEREAS, the Committee believes that businesses and companies should be required by law to establish a fund or bond to assist employees in periods of adjustment when these businesses and companies relocate, reduce their operations, or close;

NOW, THEREFORE BE IT RESOLVED, that the Human Rights Commission urge the Board of Supervisors and Mayor to propose and adopt necessary legislation to require employers to establish a fund or bond to help employees to adjust when businesses or companies relocate, reduce, or close their current operations.

Ms. Duncan pointed out that this resolution is in agreement with another proposal by Supervisor Nancy Walker in regard to the Blue Shield move and Assemblywoman Maxine Waters' legislation, AB 952.

After the presentation of this resolution there was active discussion by all Commissioners present regarding the impact of such legislation on San Francisco business and the involvement of the Employment Committee on passage of the resolution.

Ms. Duncan said that Oakland already had a more stringent policy regarding the hiring of Oakland residents by new businesses.

Commissioner Soler felt that since implementation of a remedy was called (establishment of a fund or bond) for in this resolution that fuller discussion was in order before its passage. Commissioner Soler was reluctant to accept that section as an exclusive remedy although she supported the intent of the resolution fully.

After much discussion it was

*****m/s/c that the resolution referred to the Employment Committee for review and response as soon as possible.

It must be noted that during this discussion the necessity of committees working together on issues of common interest was emphasized.

NEW MATTERS

The next Double O meeting for the Commissioners ONLY is scheduled for July 26, 1983.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday,June 9, 1983 at 10:15 A.M. in the Third Floor, Commission Room of the Main Library.

STANDING COMMITTEES

Employment Committee	Thursday, June 2, 1983 9:30 A.M. 1850 Mission Street
Lesbian/Gay Advisory	Thursday, June 23, 1983 5:30 P.M. 33 Gough Street 1st Floor, Auditorium
Social Issues/ Police Liaison	Tuesday, June 14, 1983 3:00 P.M. Joe Jungs Restaurant Fifth and Market Streets
Youth and Education	Thursday, June 16, 1983 3:30 P.M. State Building, Room 1200 450 McAllister Street

No Remarks from Audience

Adjournment

Respectfully submitted,

GSM:MGS:bclp

Grant S. Mickins
via Mary Gin Starkweather

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OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, June 9, 1983
Commission Room, Main Library

NEXT MEETING

Date: Thursday, June 23, 1983
Time: 10:15 A.M.
Place: Commission Room, Third Floor
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, George Suncin, Richard Sevilla, Esta Soler, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Samuel Chung, Antonio Grafilo

Staff

Present: Grant S. Mickins, Frank Anderson, Beatrice Cardenas-Duncan, Jack Casford, Eileen Gillis, Donald Hesse, Stanley Lim, Richard Norton, Clemente Obregón, Gail Roberts, Essie Thomas.

PLEDGE OF ALLEGIANCE

MINUTES OF MAY 26, 1983 APPROVED, with one change:

On Page 3, under mid-page discussion of a Letter to Raymond Donovan, United States Secretary of Labor, regarding the Reagan Administration's Proposed Changes to Office of Contract Compliance Regulations Governing Affirmative Action Requirements for Federal Contractors, in the second paragraph of that section, Commissioner Morrissey said that the first sentence should read: "Commissioner Morrissey stated that he was concerned whether the Committee had considered what the other side's response would be." not "...what the response from Mr. Donovan would be."

COMMUNICATIONS

- From Dr. David S. Sanchez, Jr., President, The Police Commission of the City and County of San Francisco, responding to the HRC's inquiry May 12, 1983, requesting formally an ethnic minority breakdown of the applicant pool for the position of the Director of the Office of Civilian Complaints. The HRC had discussed this matter at its regular meeting of April 28, 1983 in depth.

The HRC also had stated its concern regarding whether there had been adequate dissemination and advertising in the Latino community in order that there be adequate representation from that community.

Director Mickins read this letter in full. In it, Dr. Sanchez reported that the Police Commission held two public hearings in the Mission District regarding the proposed guidelines on the Office of Civilian Complaints; that it advertised the office of the Directorship in more than nine major Bay Area, Los Angeles, and New York papers (including El Tiempo Latino), along with announcements to major law schools, radio stations, etc. He wrote also that a check of the resumes submitted by approximately 108 applicants reveals that "if surnames are any indication", there were at least ten persons of Hispanic or Latino descent who applied.

As to the HRC request for a an ethnic minority breakdown, Dr. Sanchez stated that since the Commission in its advertisement did not specifically request identification of ethnicity, "...it would be impossible to tell what the exact ethnic breakdown of the applicant pool would be."

The appointment of Eugene Swann as Director, Office of Civilian Complaints, by the Police Commission was announced in the press May 26, 1983.

Commissioner Sevilla, who led off comments on Dr. Sanchez's letter, said that while he was pleased that the outreach efforts of the Police Commission had been chronicled, he was disturbed over the fact the the Commission did not keep a poll of the ethnic background of the applicants. He said that he hoped that, in future hiring for City jobs, such a tally will be kept, in order to assure the community that a representative body of applicants was recruited and obtained. He said that there is no proof, based on the information provided thus far, that there was a representative applicant pool for the Directorship.

Commissioner Moulton stated that she and others were never informed of the date, time, or place of a subsequent meeting the Police Commission said it would discuss the concerns expressed by Commissioner Sevilla.

- From James H. Johnson, Director, Mayor's Office of Housing and Community Development, informing that the HRC's proposed Affirmative Action Monitoring Proposal for funding under the federal San Francisco Development Block Grant had not been recommended for such funding. A copy of the "San Francisco CDBG For Jobs Program" Proposal was enclosed. Mr. Johnson wrote that for an allocation of $8.344 million,his office received more that 175 proposals for funding in excess of $55 million.

Director Mickins said that the funding went only to private nonprofit groups, not City governmental agencies. He said he had been assured the the HRC's funding proposal for the regular OCD allotments later in 1983 will still receive full consideration.

Commissioner Suncin expressed dismay that agencies doing recruitment and training of minorities and women for building trades and construction jobs either had not applied or been denied funding, leaving a gap in the outreach programs of this nature . He said that 23 of the 56 agencies funded would be doing renovation or construction work, thus creating jobs which could be filled by outreach programs.

*****On the suggestion of Director Mickins, the HRC authorized him to address a letter to the Mayor and the Board of Supervisors to indicate that it was essential that some outreach programs be funded to assist minorities and women to enter the building and construction trades, as a vital part of Affirmative Action and the HRC's programs in that area in the City. Commissioner Moulton, who had noted that one Mission District agency's application for CDBG funding had been denied because of a typographical error, was asked to help Director Mickins in drafting this letter for the agency.

- From John L. Taylor, Clerk of the Board of Supervisors, a copy of a letter regarding a proposed Charter amendment relating to officers' (of City and County boards and commission) compensated advocacy before City and County boards and commission.

Attached to the cover letter, addressed to All Department Heads, was a copy of a Charter Amendment Proposition, File 201-83, of eight pages, proposed by Supervisor Quentin Kopp, which would amend Section 8.105 of the City Charter to provide that "...no officer of the city and county, may during the term of office, appear before any city or county board or commission in order to represent any private interest, for which representation the officer receives, directly or indirectly, any compensation, reward or gift."

- Director Mickins was asked to provide each Commissioner with a copy of the proposed Charter amendment.

- From Allan D. Silberman, Vice President, Department of Education and Training, American Arbitration Association, acknowledging that Director Mickins and Charles Cooper, Regional Director for the Association in San Francisco, have begun planning a workshop for HRC staff members. Mr. Mickins noted that HRC staff had participated in a week-long training on dispute resolution about six years ago, administered by staff from the Community Dispute Settlement Center. Mr. Mickins said the workshop will take place sometime this Fall.

DIRECTOR'S REPORT

- HRC Budget.

Director Mickins and staff will meet within a week with the Budget Analyst, and the HRC portion of the Mayor's Budget request to the Board of Supervisors will be heard June 23 before the Finance Committee. Of the City's approximately $1.1 billion budget, the HRC is slated to receive approximately $675,000, or ½ of 1% of the total, Director Mickins said.

Mr. Mickins announced the the Real Estate Department has submitted a Resolution for HRC office lease in the Grant Building at 1095 Market to be renewed for a year.

- Tenth Annual Statewide Community/Human Relations Commission Conference of the California Association of Human Relations Commissions (CAHRO).

Director Mickins attended this from June 1 through June 3 at the Asilomar Hotel in Pacific Grove, California. Mr. Mickins is Member at Large, one of the officers of the Association, whose president is Manuel Garcia. Betty Sellers is Executive Director. -

Mr. Mickins led one of the workshops, that on "Alternative Funding." and participated in a number of others, including, for the first time, one on "Gay/Lesbian Rights." San Francisco Supervisor Harry Britt and Police former Human Rights Commissioner Jo Daly led this workshop, and HRC Lesbian/Gay Liaison Jackie Winnow and Lesbian/Gay Community Specialist Eileen Gillis also attended that workshop.

Mr. Mickins said that one of the more enlightening workshops was the final one, called "Unlearning Racism", given by Ricky Sherover-Marcuse, Ph.D. He called her presentation "extraordinary". He said the workshop dealt in part with how intergroup tensions develop (eg., between Southeast Asian refugees and Black, or Hispanics and Blacks, and Gays and Blacks, and how these conceptual problems can be approached in a realistic way.

REPORT FROM THE CHAIRPERSON

- John Adams Community College Center Training Program for Home Aides.

Chairperson Lyon had received a flyer announcing this program, to be given this summer for women who wish to work with older recuperating adults in the clients' homes. The program is a product of the "Women's Exchange." The training takes three weeks, at the John Admas Community College Center, 1860 Hayes Street. For more information, contact Barbara Monty, Laverne Reiterman, or Patricia Bosin, 346-7044,

- Report on Mayor's Meeting with Presidents and Chairpersons of City Boards and Commissions June 8.

Chairperson Lyon summarized what she felt were the main points made by the Mayor at this meeting:

1. She thanked those members of boards and commissions and of their staffs who contributed their help to her in the recall election in May.

2. She discussed in detail the role of commissioners in her Administration, who all are a part of that Administration and are expected to be in agreement with its policies. If as individuals the commissioners cannot work out their disagreements with Administration policies, they should submit resignations, the Mayor was quoted as saying.

3. She emphasized very strongly, Chairperson Lyon said, that she does not want to see any commission or commissioner (s) attack any other commission or commissioner (s) , especially by means of the media. Disagreements that may occur, she felt, should be worked out privately, or brought to the Mayor's Office. This does not, however, preclude commissioners from testifying before other bodies on stands taken by their commission.

4. She said that commission work by majority vote, and that commissioners on the minority vote side must not speak against the majority position outside of Commission discussion.

5. She believes that commissioners have the right as individuals to support (or oppose) issues as they see them, but that she prefers that commissions and commissioners move as a group on issues.

6. She would prefer that she have prior knowledge of issues on which commissions are working which may become controversial.

7. She stressed the importance of the Management By Objectives Program and of timely reports. These are quarterly statistical and narrative reports on staff and agency activities.

   (Director Mickins noted that the HRC has always been current in its submission of these reports, which are compiled from monthly reports prepared by every professional member of the staff in detail.)

Commissioner Sevilla, responding to this summarization, noted the disparity in position on the domestic partnership issue in 1982, both within the HRC itself, and vis à vis the Mayor's stance. He noted that individual members of the HRC did voice positions counter to that eventually taken by the Mayor (who vetoed the measure that would have established a domestic partnership condition for City worker benefits to survivors, etc).

Chairperson Lyon also said that the Mayor has emphasized that while commissioners have every right to their individual opinions, when they speak outside meetings on issues, their comments, which are intended to be as individuals, may be interpreted as coming from members of the Administration.

Much of the ensuing commentary, by Commissioner Moulton, Morrissey, Lee, and Yamakawa centered on the expression of opinions as individuals as opposed to opinions stated as members of commissions speaking officially.

STANDING COMMITTEES

EMPLOYMENT
Antonio Grafilo/Esta Soler, Co-Chairpersons

- Dissemination of Employment Announcements by the Civil Service Commission
  Report written by Frank Anderson, Presentation by Ms. Diana Marin, of the CSC staff, and a member of the Employment Committee.

Following is the verbatim report as prepared by Mr. Anderson:

Apropos of the discussion (at the HRC's April 28, 1983 regular meeting) initiated by Commissioner Sevilla, and joined by Commissioner Moulton, about concerns that there may not have been sufficient dissemination of announcement of applications being accepted for the position of Director, Office of Citizen Complaints, Commissioner Morrissey asked that the Employment Committee of the HRC be asked to look further into the issue, particularly the extent to which advertising is done in order to encompass and reach a wide diversity of ethnic/minority and women communities. The Commissioner also asked that the Committee check to see what standards are being used to check on whether sufficient dissemination and advertising is being done. And, further, he asked if the Committee would see if any attempt is being done to train through apprenticeship methods, or otherwise, to make possible entry into City employment by members of various ethnic groups.

Note: Recruitment and selection procedures for Director, Office of Citizen Complaints was conducted by the Police Commission/Dept,, not the Civil Service Commission.

The Employment Committee at its meeting of May 5, 1983 had a lengthly discussion on this matter. Ms. Diana Marin ,of the San Francisco Civil Service Commission staff and a member of the Employment Committee, gave a detailed report on the various aspects of recruitment for City jobs. She noted that Civil Service has a mailinglist over 200 recruitment resources for its job announcements. This list is a representation of all the protective classes

and covers a wide spectrum of the community. It includes among others, community organizations, educational institutions, job training programs, media, unions and individuals.

A recruitment plan is developed for each employment announcement. The plan is reviewed on several levels internally by CSC staff as well as externally by the Office of Revenue Sharing of the U.S. Department of the Treasury before approval to proceed is granted. A recruitment plan is composed of the following components:

Background - an analysis of the job and its requirements.

Labor Force Availability - applicant availability is determined by the race/sex data of the San Francisco civilian labor force of the 1980 U.S. Census.

Current Composition - an analysis of the current composition of the job classes of permanent and temporary employees.

Recruitment Activities - CSC staff conduct specific recruitment activities to obtain a desirable applicant pool based upon the recruitment plan's goals. Staff members are assigned outreach and other recruitment activities based upon their expertise, familiarity and language/cultural proficiency.

Targeted recruitment (i.e..mailings, media, meetings, et al). is done to obtain the desired pool of applicants.

Timetable - A time frame (specific amount of time/date) is established to complete recruitment activities.

Evaluation- Each examination is assigned an analyst who coordiantes all aspects of the examination process. The analyst maintains applicant flow data and is the information resource for selection matters. The analyst, with the assistance of other CSC staff, monitors each step of the exam process. A tracking system is done on applicants and sources of referrals.

Summary

The Employment Committee, after reviewing this matter and Ms. Marin's report, with a questions and answers period and committee members' comments and observations, feels sufficient efforts are being made to disseminate City job announcements. Applicants have the right to protest the conditions of job announcements. It should be noted that written appeals concerning job announcements must be made and received by CSC within seven days from the original issue date . Petitioners will be notified concerning their appeals. Also, the CSC staff is receptive to recruitment suggestions: EEO-Unit- Rm. 151 City Hall - 558-2796.

Commissioner Soler prefaced Ms. Marin's appearance by reading from a representative list of agencies to which the Civil Service Commission regularly sends job announcements. They included Chinese for Affirmative Action, Black Women Organized for Action, Advocates for Women, Deaf Self-Help, Lesbian Rights Caucus, Native American Health Center, the National Association for the Advancement of Colored People, Horizons Unlimited, etc.

Commissioner Morrissey stated that the concernhe had voiced in the April 28 meeting was about nonCivil Service positions, and Ms. Marin stated (many times, as the discussion persisted on the distinction between Civil Service job classifications and nonCivil Service -NCS--positions) that individual City departments have control over recruitment and other matters in the case of exempt positions, such as the Director of the Office of Civilian Complaints. She emphasized that all City departments have an Affirmative Action plan, a fact reported in detail by Frank Anderson at previous HRC meetings. The HRC in September of 1982 completed a two-year review and certification procedure for the Affirmative Action plans for each of some 58 City department, under a mandate from the City's Office of Revenue-Sharing Agreement with the federal government.

Commissioners Moulton and Sevilla pressed the point that in their opinion City commissions should be able to obtain information on the ethnic identification of applicants for positions in other departments, as the HRC had requested the Directorship of the Office of CivilianComplaints under the Police Commission. (See Communications Section of these Minutes for Dr. David Sanchez's letter in

response to the HRC inquiry on this point.)

Ms. Marin cited appointive City poistions, attorneys, physicians, and so forth as examples of exempt positions over which CSC has no control. Commissioner Lee noted that persons in these exempt positions can be hired and fired at will, without recourse to CSC procedure/protections.

As the discussion proceeded, Mr. Anderson reiterated that all exempt positions are covered, as far as recruitment, standards, requirements, advertising, etc., under individual departmental Affirmative Action plans.

Commissioner Sevilla asked rhetorically what assurance a community has that there has been an "ethnically representative" pool of applicants for an exempt position when it cannot obtain a breakdown report.

There was much Commissioner sentiment for requesting the number of exempt positions that exist in City departments. After it was

*****m/s/c that Ms. Marin be thanked for her presentation, and that the HRC accept the report written by Mr. Anderson, the HRC went on to request that the Employment Committee:

1. Obtain from each City department the number of exempt positions it presently has.

2. Learn what method or methods are used by commissions or departments of advertising exempt position openings, and or recruiting a representative ethnic minority and owmen pool of applicants for them.

Commissioner Soler as Co-Chairperson of the Employment Committee,said that the HRC needs to devise an Affirmative Action policy regarding SCS exempt positions.

- Port of San Francisco Lessees Work Force Survey-A Preliminary Report- Sid Gloria, Contract Compliance Officer.

Commissioner Soler as Co-Chairperson of the Employment Committee introduced Mr. Gloria by emphasizing that this is what she called "a very preliminary report", which will lead to the expansion of data in order to design and implement an ongoing Affirmative Action Agreement and program at the Port by its lessees.

The Port Commission agreed in July of 1982 to fund a position at the Human Rights Commission to develop and implement an Affirmative Action program with Port lessees. Mr. Gloria joined the HRC staff as a Contract Compliance Officer to do this work in October of that year.

Prior to February 7, 1969 the Port of San Francisco was owned by the State of California and administered by the San Francisco Port Authority, a State agency. On February 7, 1969, the Port was transferred in trust to the City under the terms and conditions specified in the State statutes of 1968, Chapter 1333 (Known as the Burton Act) as amended, and ratified by the City's voters in November of 1968.

This report only covers the work force survey of Port lessees. A separate report on the restaurants in the Fisherman's Wharf and Pier 39 (a limited Partnership), will be submitted at a later date.

Although Mr. Gloria found 982 leases at the Port, he eliminated duplications for a figure of 498, providing a yearly City revenue of $9.4 million in 1981, and $11 million in 1982. In January, 1983, the Todd Shipyard took over from Bethlehem Steel the multi-million-dollar ship repair operation, with more than one thousand workers
(both in the professional and semi & skilled worker category). An analysis of the Todd workforce was discussed in more detail in Mr. Gloria's written report.

Out of the 498 contracts of lease entered into by the Port of San Francisco with private business firms and industry, we were able to screen out those lessees that use Port facilities for office, storage and parking space, and are not employers per se. Falling under this category are the "Mom and Pop" operations - i.e., small souvenir stores at Fisherman's Wharf with less

than 5 employees, holding companies, free trade zone operators, research associates , and advertising agencies (with limited clientele). Out of the 498 contracts, (in cooperation with the Commercial Property Manager, Port of San Francisco), the HRC selected 60 lessees with more than 15 employees, or who are potential employers, to be the thrust of this workforce survey.

Among the big (300 plus employees) lessees, the following companies were selected for an in-depth work Force survey, to determine with certainty that they are in compliance with the terms and conditions of their lease contract with the Port and with Chapter 12B of the City Administrative Code.

	Name of Firm	No. of Employees
1.	Metropolitan Parking Corp.	300
2.	Crowley Maritime Corp.	493
3.	Hills Bros. Coffee, Inc.	601
4.	Service Engineering Corp.	332
5.	Todd Shipyard Corp.	918

The five above-named companies are ready to enter into an Affirmative Action Agreemen with the Port and the Human Rights Commission. Although Metropolitan Parking Corporation has a small operation (parking lot) in the Port Area, the Vice President for Operation would like to be advised by the HRC on its minority hiring goals, after the Work force Survey.

Mr. Gloria then reivewed his detailed studies of these companies, with workforce profiles, a statistical analysis of the workforce, with breakdowns by sex and by major racial categories in percentages, and pointing out areas of concern such as:

- Metropolitan Parking Corporation has no applicant pool for women as garage or parking attendants, positions that have hourly salaries, with benefits, of up to $13.

- Service Engineering Company has virtually no women employees.

Mr. Gloria pointed out that those of the Big 5, and others, which have substantial federal government contracts (Todd Shipyards Corporation, for example) have long been monitored by the Office of Federal Contract Compliance Programs of the U.S. Department of Labor, and therefore have Affirmative Action plans and work force reporting mechanisms.

Others Matters Relevant to this Workforce Survey:

Workforce Survey forms were mailed to 100 lessees, and 80 responded to them. The others phoned informing that they are a small operation,with only 2-3 employees involved in their business. About 300 business establishments were visited over a period of 6 months. The Port maintains biographical data on all contractors and lessees, making it easy for the Contract Compliance Representative to determine the type of business that needs to be monitored for contract compliance. Mr. Gloria acknowledged the invaluable assistance extended by the Office of Commercial Propoerty of the Port in making this survey possible.

Findings:

Minorities and women are not adequately represented in the crafts/skilled jobs in the ship repair industry. There is a need to make representations with top managment of these business firms to impress upon them that they should comply with the terms and conditions of their lease contracts with the Port.

Hiring of skilled and semi-skilled workers is done through two unions (Marine Engineers Benevolent Assn., and Island Boatman's) therefore the unions should also be monitored to determine if minorities and women are given equal opportunity in being referred to the different businesses and industries operating at the Port of San Francisco.

To Commissioner Morrissey's question about Affirmative Action Agreements with shipping companies. Mr. Gloria said he had talked with Port Director of Planning Anthony Taormina and the Director of the Port, Edward David, and that for the time being, with the maritime industry in an uncertain state, it is not feasible to try to introduce an Affirmative Action Agreement covering jobs for minorities and women aboard ship, partly because these are intermittent or impermanent jobs. But he said this area would be further explored after the HRC has been able to design and implement Affirmative Action Agreements with the lessees.

It was then

*****m/s/c that the HRC accept the Port of San Francisco Lessees Work Force Survey-Preliminary Report.

- At this point in the meeting, Commissioner Weiner and Wade left to attend a meeting on the Skycaps case. Commissioner Jung earlier had left to meet with the Mayor.

There were some further comments from Commissioners on the Port report, with Director Mickins again pointing out that it represented only the first step leading to an in-depth report showing the criteria to be used in reaching the goals and guidelines for an effective Affirmative Action program with Port lessees, including data on the availability in the labor market of minorities and women on various job categories that exist at the Port.

LESBIAN/GAY ADVISORY
Richard Sevilla /David K. Yamakawa Jr., Co-Chairpersons

- Proposed Letters to Mayor and Board of Supervisors Regarding Funding of Lyon-Martin Clinic and Lesbian-Sensitive Health Care in San Francisco-Eileen Gillis, Lesbian/Gay Community Specialist.

Commissioners were provided in their packets with a draft copy of one of the proposed letters.

The Lyon- artin Clinic, the only low-income women's clinic providing services specifically to Lesbians in San Francisco, and presently located at Fillmore and California Streets, is seeking an $80,000 grant from the Office of Community Development through the Mayor's Office.

Ms. Gillis reviewed the background of the clinic in relation to the lack of certified, Lesbian-sensitive clinicians at San Francisco General Hospital or the District Health Centers. She said that 40 per cent of its (the clinic's) monthly clientele population is composed of newly-identified patients, and that its caseload doubles yearly.

Ms. Gillis said that the Lesbian community has only recently been perceived as a target at-risk group, and that as a group, Lesbians consistently receive health services less often than a comparable female population.

The funding, it is hoped, will help Lyon-Martin Clinic expand its services (it is moving to new quarters July 1), generate greater fiscal solvency, and move closer to the community it serves.

It was

*****m/s/c to authorize sending on behalf of the HRC separate letters to the Mayor and the Board of Supervisors urging that the Lyon-Martin Clinic funding proposal of $80,000 to the Office of Community Development be granted.

- Committee Report- Commissioner Sevilla.

- The Committee continues to implement its plan of action for conduct of its meetings and activities.

- It heard a report on the Gay Speakers Bureau developed for the public schools this past school year and plans for the term beginning in the Fall.

- It discussed and brought the Lyon-Martin Clinic funding recommendation

to the HRC.

- It will be bringing a full report on AIDS (Acquired Immunity Deficiency Syndrome) to the HRC in the near future.

- It continues preparation for the HRC booth and banner which will be in the Civic Center on Sunday, June 26, as part of the annual Gay/Lesbian Freedom Day parade event in San Francisco. All Commissioners were urged to volunteer to help staff this booth, in two-hour shifts, between 10 AM and 4 PM, and to notify Jackie Winnow if they wished to do so.

SOCIAL ISSUES AND POLICE LIAISON
Joan Zamora Moulton and Robert Edwards, Co-Chairpersons

- Public Meeting June 28 in the Bayview-Hunters Point Neighborhood.

Commissioner Edwards handed out copies of the announcement flyer for the third Public Meeting the Committee has sponsored in the past several months. This one will be Tuesday, June 28, beginning at 7 PM in the Social Hall at Providence Baptist Church, 1601 McKinnon Avenue, at Third Street.

All Commissioners were urged to attend to lend their expertise to that of the Committee in hearing community concerns. A wide dissemination of announcements, a press release, bulletin board postings, and mailing to individuals and community organizations is being carried out by the Planning Committee and staff.

OLD BUSINESS

Central Receiving Facility- Beatrice Cardenas-Duncan

On February 10, 1983, the HRC reaffirmed its past formal support for the proposed Status Offender Service System, with special emphasis on approval of the Central Receiving Facility component.

On June 8, Ms. Cardenas-Duncan, as part of a coalition of community groups, met with Deputy Mayor Hadley Roff to try to retain a $210,000 allotment made for building the Central Receiving Facility, which would provide services 24 hours a day.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, June 23, 1983, at 10:15 AM in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

-	Employment	Thursday, July 7, 1983 9:30 AM 1860 Mission Street
	Lesbian/Gay Advisory	Thursday, June 23, 1983 5:30 PM 33 Gough Street First Floor, Auditorium
	Social Issues/ Police Liaison	Tuesday, June 14, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
	Youth and Education	Thursday, June 16, 1983 3:30 PM State Building, Room 1200 450 McAllister Street

No Remarks from the Audience

No New Business

GSM:bclp

Respectfully submitted,

Grant Mickins via
Jack Casford

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, June 23, 1983
Commission Room, Main Library

DOCUMENTS DEPT.
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SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

Date: Thursday, July 7, 1983
Time: 10:15 A.M.
Place: Commission Room, Third Floor
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, Richard Sevilla, Esta Soler, George Suncin, David K. Yamakawa Jr.

Excused: Antonio Grafilo, Joan Zamora Moulton, Brenda Wade, Rabbi Martin S. Weiner.

Staff

Present: Grant Mickins, Frank Anderson, Eddie Baca (Intergroup Clearinghouse), Beatrice Cardenas-Duncan, Jack Casford, Eileen Gillis, Donald Hesse, Richard Norton, Vicky Rathbone, Gail Roberts, Jackie Winnow.

PLEDGE OF ALLEGIANCE

Minutes of June 9, 1983 approved, with two corrections:

On Page 2, third paragraph, beginning "Commissioner Moulton stated..." two words should be inserted in the last line of that sentence: so it would end"...said it would hold to discuss the concerns expressed by Commissioner Sevilla." Inserted words are underlined.

On Page 3, fifth paragraph, beginning "Mr. Mickins led one....", in the third and fourth line it should read"... and Police Commissioner (and former Human Rights Commission staff member) Jo Daly led...." Inserted words underlined.

- Commissioner Sevilla also commented on Page 6, the fifth paragraph, listing two sub-sections, 1. and 2., regarding 2., saying that he felt that what the Employment Committee was being asked to do was learn what method is used to identify the ethnic status of applicants for City positions, and if the method is successful. He said he understood the HRC's discussion on this point as being on determining whether, given wide advertising of open positions, there was monitoring of what methods if any are in use to determine ethnic backgrounds of the applicants.

Director Mickins said Frank Anderson of the HRC staff presently was collecting the data as requested June 9 by the HRC. Commissioner Yamakawa said he concurred with Commissioner Sevilla's comments regarding monitoring of ethnic backgrounds of applicants to assure a wide, proportionate ethnic representation.

- Commissioner Suncin said he wished to give a brief update on the concerns he expressed (June 9 Minutes, Page 2, sixth paragraph) about the lack of Community Development Block Grant funding for the Recruitment and Training Program in the minority community. RTP was the former Apprenticeship Opportunities Foundation, an organization established through the work of the Human Rights Commission some 15 years ago. Commissioner Suncin announced that after a request for reconsideration of the first announcement at the Board of Supervisors of the funding grants (which totaled $8.344 million), Supervisor Willie B. Kennedy had supported a reconsideration by the Board, which resulted in $40,000 being given ($150,000 had been requested) for continuation of the RTP, which does outreach recruitment and training of minority and female youth for construction and building trades.

It was

*****m/s/c at Commissioner Suncin's request, that the HRC write a letter to Supervisor Willie B. Kennedy, thanking her for her action on behalf of the outreach program funding.

COMMUNICATIONS

- From Henry Der, Executive Director, Chinese for Affimrative Action, a copy of a letter sent simultaneously to Mayor Dianne Feinstein, Jeffrey Lee, Director of the Department of Public Works, and Director Mickins. The letter was read in full. This letter was dated June 8, and received at the HRC June 9, the same day an article appeared in the San Francisco Chronicle about it. The letter noted the appearance of the posting of a flyer entitled,"Right Wing Hotline" on utility poles in the Sunset District of San Francisco, with a telephone number, which, when called, provided a recorded msessage from the White Power Headquarters, P.O. Box 496, Corte Madera, California. The message was racist, using terms like "Jewish mass media" "Vietnamese sub-humans" Mr. Der wrote that "Economic hard times make persons or groups of individuals more vulnerable to racial misunderstanding and misperception, and that the "Right Wing Hotline", (so-called), of the White Power group, "...gives considerable credence to baseless fears and apprehensions about racial minority groups."

Mr. Der went on to, in the name of Chinese for Affirmative Action, request that:

"1. The San Francisco Department of Public Works remove racial hate material posted illegally on public utility poles and in any other public places.

2. In cooperation with community groups and public educational institutions, the S.F. Human Rights (sic) develop a model prevention program to promotebetter understanding about immigrants, refugees, and other racial minority groups in our City."

- Director Mickins reported that on June 9 he contacted the Community Relations Unit of the United States Department of Justice regarding the posted flyers with their racist message and the White Power telephone referral. He was told that the Unit had already been investigating the posting of similar flyers earlier this year in Marin County. Mr. Mickins had also asked Stanley Lim, of the HRC staff, to contact Mr. Lee of the Public Works Department regarding the posting of the flyers vis à vis City Municipal Code regulations covering posting of bulletins in public places. Public Works workers removed the flyers from the Sunset District immediately.

On June 15, the San Francisco Examiner printed a story written by Phil Bronstein that said the telephone nuber on the flyers had been traced to the Corte Madera home of a physician who works through the West German Consulate with Jewish survivors of the Holocaust. The physician said it was his son (now 22, and recently accepted at a local law school) who, since childhood, has been a fervent admirer of Hitler and the Nazi beliefs and ideology.

Chairperson Lyon said she had been contracted by an inspector with the San Francisco Police Department subsequent to June 9, and said he had confirmed that the White Power messages had been traced to the Corte Madera man.

Director Mickins noted that publicity given the flyers and the telephone message and Post Office box number had inevitably attracted attention from persons sympathetic to the Nazi and racist messages, some of whom contributed money . He said this was a factor in not giving wide public notice to the appearance of such notice.

- Commissioner Morrissey expressed his commendation for Mr. Der's request for specific action as a followup to the appearance of the flyers, and suggested that the HRC take positive steps, such as promoting dissemination through the media, and through public service announcements in public transit vehicles, for example, of messages extolling San Francisco's ethnic diversity and cultural enrichment as a result.

Commissioner Soler concurred with her colleague, saying she felt this would be an "...exciting and important thing to do."

Director Mickins said he had notified Eddie Baca, Facilitator of the Intergroup Clearinghouse, which has Asian community representatives, that this was an issue this body could well address under its commitment to reducing intergroup tensions. Mr. Baca responded by stating that the Clearinghouse already had taken action.

In addition, as the result of the incidents of tension over Asian refugee assimilation into the U.S. economy, the Clearinghouse will sponsor an education seminar aimed at the development of a network system of understanding among Blacks, Asians, and Hispanics on this subject.

*****Director Mickins said he would give a full report to the HRC at its July 7 meeting on the followup action response to the concerns arising from the appearance of the racist White Power flyers in the City.

- From Manuel Garcia, President, California Association of Human Rights Organizations, thanking Director Mickins for his active participation (see report in HRC Minutes of June 9, 1983) in the Tenth Annual C.A.H.R.O. conference June 1-3 1983 in Pacific Grove, California (Asilomar Conference Center, near Carmel).

- From Msgr. William J. Barry, Chairman, Committee on Legislation, Los Angeles County Human Relations Commission, urging that the HRC support passage of Assembly Bill 185 in the Senate Local Government Committee which was to hear it June 22. This measure, which the HRC officially endorsed in a letter to Monsignor Barry March 18, 1983, has been introduced in different designations in the Lesgislature since 1979. It would mandate the creation of human rights/relations commission in each California county. It has failed every year.

It was announced by staff that the Senate Local Government Committee did approve AB 185.

- From Assemblywoman Maxine Waters, noting Chairperson Lyon's endorsement of Assembly Bill 1, which would prohibit discrimination in employment statewide against homosexuals. The HRC has endorsed AB 1 each time, in recent years, that it has been introduced. Staff announced that AB 1 was approved in the State Assembly on June 22.

- From Daniel M. Hanlon, Judge of the Superior Court, to Chairperson Lyon, forwarding a letter dated June 6 by Joseph J. Botka (Chief Probation Officer) and a letter of June 10 by the Judge to Ms. Elisa Miranda, the Executive Director of Real Alternatives Program (RAP), regarding their respective positions on allegations made by Mr. Ray Balberan, of C.R.E.A.R. (Council of La Raza for Education, Assistance and Resources.) Mr. Balberan also is a representative of RAP to clients at the Juvenile Hall.

Director Mickins reported that two Standing Committees of the HRC (Youth & Education and the Social Issues and Police Liaison) and the Intergroup Clearinghouse have discussed and taken action on the child abuses charges issue.

He then read parts from several other letters on this issue:

- From Judge Hanlon to Mrs. Beatrice Challiss Laws, Chairman, Juvenile Justice Commission, requesting the Commission to investigate the allegations of child abuse with recommendations in writing by the Commission's September meeting.

Judge Hanlon's letter to Mrs.Laws was read in full by Director Mickins.

- From Mrs. Beatrice C. Laws to Commissioner Joan Zamora Moulton, Co-Chairperson, Social Issues and Police Liaison Committee of the HRC, thanking her for the Committee's letter of June 17 of concern about the allegations, and attaching Mrs. Laws June 20 letter requesting Mr. Balberan to "...supply Commission Laura Crandin-chairman of the Juvenile Justice Commission's investigations committee (Commissioners Revels Cayton and Yori Wada are co-vice-chairmen in charge of the inquiry) with the particulars of each enumerated complaint." Mr. Balberan's original charges were 32 in number, and included dates, but no names.

- From Mrs. Laws, to Dr. Zuretti Goosby, Chair, Intergroup Clearinghouse, also acknowledging that organization's letter of concern June 7, and giving the same information as the above letter to Commissioner Moulton.

- Commissioner Edwards, Co-Chairperson of the Social Issues and Police Liaison Committee, noted that Mr. Balberan had appeared before it at its regular meeting June 14, and that the Committee expressed its deep concern in a letter to the Juvenile Justice Commission, and wished to see its concern mirrored by the HRC.

It was announced that the Mayor named a panel of five persons, (Rotea Gilford, Executive Director, Mayor's Criminal Justice Council; retired Superior Court Judge Francis McCarty; School Board Commissioner Rosario Anaya; Airports Commissioner Dr. Zuretti Goosby, and Recreation and Parks Commissioner Jeff Mori.)

- Eddie Baca reported that the Intergroup Clearinghouse representatives had met with the Mayor on these concerns and that she has subsequently agreed to heed community concerns that it needs to be expanded to include representatives of parents, youth, and persons experienced with operations at the Juvenile Hall. The Clearinghouse also met with Judge Hanlon and Judge Maxine Mackler Chesney of the Juvenile Court on June 22 at the Youth Guidance Center. He said the following actions were underway:

1. The Police Department is following up on possible criminal violations.

2. The Juvenile Justice Commission is investigating the allegations of abusive treatment of Juvenile Hall minors.

3. The Mayor's Panel will be making a programmatic evaluation, and meets next June 24 with her.

Mr. Baca said that additions to the Mayor's Panel can be recommended to the Office of Deputy Mayor Hadley Roff for the next week.

- From John L. Taylor, Clerk of the Board of Supervisors, a copy sent to all Department Heads, and to Mayor Feinstein, the Chief Administrative Officer, the General Manager Personnel, of the Civil Service Commission, the Controller, and the Budget Analyst, requesting action in preparing a financial analysis of a proposed Charter Amendment (First Draft) amending Sections 6.200 through 6.208, 6.300 through 6.309 and repealing Sections 6.310 through 6.313, relating to the budget and fiscal administration.

DIRECTOR'S REPORT

- Minority Business Enterprise/Women Business Enterprise Public Hearings, February and March, 1983, and Preparation of Final Findings and Recommendations.

Members of the staff are marshalled in a major endeavor of researching the enormous amount of material (in the data) gathered from 56 City departments on their contracting records in calendar years 1981 and 1982, plus reviewing the extensive testimony taken from the minority and women communities and private-sector representatives.

Director Mickins said he hoped to have a First Draft of this material by mid-July to the HRC and the Final Draft to the Board of Supervisors in September.

- HRC Budget.

The Director urged members of the HRC to attend the meeting of the Finance Committee of the Board of Supervisors that afternoon (June 23) in Room 228, City Hall, for their consideration of the Mayor's Budget Request. He read from the report of the Budget Analyst on the HRC portion of this request, made after discussions with HRC staff recently. The Analyst noted that the HRC's 1982-83 budget of $472,237 had risen to $685,701, requested for 1983-83 (fiscal year to begin July 1), an increase of $213,464, or 42.2%. The numbers of funded positions would rise from 21

(temporary and permanent) in 1982-83 to 25, in 1983-84, or a 10% increase. Mr. Mickins said he saw only an increase of two positions, not ours.

He noted that the Mayor had includedfunding of $17,423 for a Lesbian/Gay Specialist II, to help handle the more that 30 complaints of Lesbian/Gay discrimination that come into the office under its Article 33 (of the Police Code) authority in an average quarter.

And the Mayor had approved a $27,071 amount for an Employment Contract Compliance Officer to develop an operative Minority Business Enterprise/Women Business Enterprise program in conjunction with the City Purchasing Department, where the HRC has long sought to increase the presnt minimal participation of minorities and women as contractors to the City.

Director Mickins said that the funding for these two positions had not been endorsed by the Budget Analyst, and that further he had recommended that $15,000, or one-half, of the City's original $30,000 commitment to the Intergroup Clearinghouse (matched by a $15,000 grant from the San Francisco Foundation for a total budget of $45,000), be cut.

Mr. Mickins referred to the position taker by the Budget Analyst that until the current move by the Civil Service Commission through examinations to convert Limited Tenure or temporary CSC job positions into Permanent ones was completed, no new positions be funded.

Also not recommended for funding is a Paraprofessional Specialist position requested by the Commission on the Status of Women. The Budget specifies $75,000 in general revenue funds for contract to the La Casa de Las Madres, an agency serving battered women, not be funded on the premise it had received a Community Development Block Grant.

REPORT FROM THE CHAIRPERSON

- Double-O Hearing.

Deputy City Attorney Phyllis Walker has requested a two-day extension to June 29 for submission of her final material on these hearings, which occupied several weeks in the Spring, and at which Ms. Walker was counsel for the HRC. All final papers are due in by July 13.

- Frank Quinn, Former HRC Director.

Chairperson Lyon reported Mr. Quinn is said to have been quoted in a national newsmagazine that the Reagan Administration had been lax in pursuing civil rights matters. Though he is reportedly six months away from retirement as the Regional Director of the federal Equal Employment Opportunity Commission, he had been ordered transferred to the Birmingham, Alabama office of the EEOC.

Mr. Quinn was the first Director of the Human Rights Commission, and served from 1964, when he was Executive Secretary to the Interim Committee on Human Relations, through 1966, when he was succeeded as Director of the HRC by William L. Becker.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY
Richard Sevilla/David K. Yamakawa Jr., Co-Chairpersons

- Report on the Acquired Immune Deficiency Syndrome, Recommendations: Recommended Resolution Urging Government Response to AIDS Crisis; and Recommended Letters to City, County, State, and Federal Officials Urging Legislations and Funding on AIDS Research and Patient Care - Jackie Winnow, HRC Lesbian/Gay Community Liaison.

Commissioners were provided copies of Ms. Winnow's extensive five-page narrative report, supported by ten recommendaitons for followup action, letters, support of legislation, etc., with a statistical graph on AIDS: Cumulative Diagnoses and Deaths-Bay Area and National; a copy of a Board of Supervisors Resolution Urging Increased Funding for Services Relative to AIDS:

a copy of a letter specifically requesting financial allocations under the proposed Resolution by Supervisor Harry Britt, with Supervisor John Molinari; a copy of State Senate Bill 910 asking $500,000 for AIDS research, education and workshop grants; and copies of news releases from the offices of Senator President Pro Tempore David Roberti, and Senator Milton Marks.

Highlights of Ms. Winnow's report included:

- Researchers believe AIDS began in 1979.
- More than 235 cases have been reported in the Bay Area, and the local rate of increase is higher than the national experience.
- A year ago this month, there were 200 cases reported worldwide; in April, 1983 there were more than 1,300 reported cases nationwide.
- Nearly 500 deaths have occurred with AIDS, a 40% mortality rate.
- Approximately 70% of people with AIDS are Gay men. Thirty percent are heterosexual men and women.
- More and more large numbers of cases are reported among individuals with no known affiliation (drug users, hemophiliacs and other recipients of blood transfusions, as well as Gay men).

- San Francisco's Mayor, Board of Supervisors, Department of Public Health, health practitioners and the community have spent nearly as much as the federal government has since 1979 in combatting the disease. The Department of Public Health has been holding seminars; SF General Hospital has an AIDS Clinic; the hospital has created a special ward with laboratory screening services; and two medical investigators have been hired.

- The Mayor is Chair of the Mayor's Task Force on AIDS, organized by the U.S. Conference of Mayors.

- University of California Medical Center has a Kaposi Sarcoma Clinic, which recently received a $450,000 federal grant.

- State Senator David Roberti has introduced SB 910 to combat AIDS, and it was approved by the Senate without dissent.

- The House of Representatives in the Congress appropriated $12 million for AIDS research May 25, 1983.

Ms. Winnow paid special tribute in her presentation to Mark Feldman, a prominent Gay community activist, who died recently of Kaposi Sarcoma and other afflictions from having contracted AIDS. She noted that he had received much support from the membership of Congregation Sha'ar Zahav, a Gay synagogue.

She said the HRC was receiving frequent complaints from Gay men who were being fired from jobs, evicted from apartments, denied public accomodations and otherwise suffering discrimination merely on the suspicion that they may be victims or carriers of AIDS.

With a commendation from the HRC on the completeness and excellence of the Report, it was

******m/s/c to adopt it.

Commissioner Morrissey commented that there were many other diseases in the country's population, including Hansen's Disease (leprosy), and genital herpes, which need equal public and official concern and action.

It was then

******m/s/c to authorize the sending of letters to:

- Mayor Feinstein, offering support to her continuing efforts in fighting AIDS.

- the Board of Supervisors, thanking them for approving the Britt/Molinari Resolution.

- Senator President Pro Tempore David Roberti, supporting his SB 910.
- Senator Milton Marks, supporting his $500,000 appropriation measure for AIDS research.

- Speaker of the Assembly Willie Brown inquiring into his proposed legislation to fund $2.7 million for AIDS research from the State.
- Dr. James D. Wyngaarden, Director, National Institutes of Health, Bethesda, Maryland, expressing HRC concern for more research funding for AIDS.
- U.S. Secretary of Health and Human Services Margaret Heckler, urging that the Department become a primary coordinator of federal action to combat AIDS.
- Dr. William Foege, Director, Centers for Disease Control, Atlanta, encouraging work of the Centers on AIDS.

Further, it was

******m/s/c that the HRC adopt the Resolution Urging Municipal, State, and Federal Agencies and Lawmakers to Respond to Acquired Immune Deficiency Syndrome (AIDS) As a Crisis Demanding Immediate Attention for Funding, Research, and Patient Care. The full text of this Resolution is attached to these Minutes.

- The HRC officially voiced its commendation to Ms. Winnow for the thoroughness of her report and action following on the local, state, and national levels.

- The full report is available to the public upon request.

- Recommended Approval of Letter of Dr. Robert Alioto, Superintendent of Schools, Regarding Support for Continuance of the Lesbian/Gay Speakers Bureau in the San Francisco Unified School District-Ms. Winnow.

Commissioners were provided copies of the full text of this letter, which conveys the support of the HRC for continuance of the Lesbian/Gay Speakers Bureau in the San Francisco Unified School District, particularly in the middle and high schools.

It was

******m/s/c that this letter be sent as recommended. The letter notes that the HRC has been an active supporter of the Advisory Committee to Health and Family Life Education for many years, and that its Lesbian/Gay Speakers Bureau has aided students in understanding sexuality and lifestyles, and assisted in "diminishing ignorance and prejudice directed towards lesbians and Gay men, thereby reducing physical and verbal violence and harassment."

Commissioner Lee, a member of the SFUSD staff, asked to be excused from voting in sending this letter.

- Commissioner Sevilla commented that he had spoken several times at SFUSD schools under this program and found the student response very positive. He said there was a continuing need to get principals of the individual schools to be sensitive to the desirability of having this education as part of the regular curriculum.

Commissioner Morrissey observed that there are some parents who believe that just the presence of someone talking on any subject (whether giving information on math or giving information on homosexuality) has the effect of being persuasive. He said that he thought it should be done from a practical point of view (information about homosexuality) in the high schools, but that in the middle schools the problem would arise of what percentage of time should be taken away from the basic core curriculum for this aspect of family education.

- Lesbian/Gay Freedom Parade.

The annual Lesbian/Gay Freedom Day Parade up Market Street will begin at 11 AM on Sunday, June 26. HRC staff (Gail Roberts, Jacquie Hale, Don Hesse, Ed Dumin, Eileen Ellis and Jackie Winnow) will be at a table/booth with information about the HRC and the Lesbian/Gay Advisory Committee in the Civic Center until 4 PM.

EMPLOYMENT
Antonio Grafilo/Esta Soler- Co-Chairpersons

- Minority and Women-Owned Business Participation in City Architects/Engineers Consulting Contracts-Vicky Rathbone

Commissioner Soler introduced Ms. Rathbone and her report with the comment that it had been studied and discussed in detail by the Employment Committee, whose members were in agreement that it is one of the most comprehensive, impressive, and outstanding such reports they have ever received. This observation was concurred in by Chairperson Lyon and others who had read the report when first distributed.

Ms. Rathbone began her presentation by distributing copies of the Minority and Women-Owned Business Enterprise Directory for the San Francisco Bay Area, Architects/Engineers/Planners and Related Services, issued in January of 1983, and prepared jointly by the HRC and Environmental Science Associates, Inc., of San Francisco. It was sent originally to some fifty city and county departments in the City, Berkeley, Oakland, and Richmond. The first such Directory was published in 1979. Copies may be obtained from offices of the HRC. It lists 255 firms that specialize in nineteen different areas, including Architecture and Planning, Construction Management, Interior Design, Mechanical/Electrical Engineering/Report Writing and Word Processing.

Here, verbatim, is Ms. Rathbone's narrative report. Not included is the final section of the report, devoted to an analysis of each of the major City Departments involved in the HRC monitoring work: San Francisco International Airport, San Francisco Clean Water Program, the Department of Public Works, the Department of City Planning, the Solid Waste Management Program, and the Port Commission.

Introduction

This report concerns City-funded Architect /Engineer consulting contracts active during 1982 and the first quarter of 1983. It is the third such report since the HRC adopted the original MBE/WBE participation goals in January, 1979. Its purpose is to document staff's activities during the reporting period; provide a measurement of the kind and degree of MBE/WBE participation on these contracts; provide a comparison with previous years; analyze problems and recommend solutions; and provide a preview for 1983.

The current economic recession has affected consulting firms just as it has most other industries. Lack of work has caused employee layoffs and government contracts have become increasingly important as a means of survival. This in turn has made it more difficult to implement the MBE/WBE program. HRC staff has encountered greater resistance than in previous years to dividing the project into smaller pieces and subconsulting work that could be done in-house. However, the results show that there are real and continued opportunities for many MBE/WBEs to participate on City consulting contracts.

It is interesting to note that while the total number of MBE/WBEs working on City contracts has grown since the last reports [from 61 to 76], 36 or 47% of the firms in this report had more than one contract with the City as opposed to 16 or 26% in the last report. This indicates both the development of a source of viable talent that had gone largely untapped by the City before the introduction of the MBE/WBE program, as well as a new pool of businesses who consider the City a regular client and profit from its procurement dollar.

Statistics on MBE/WBE prime awards by the various City departments have been included for the first time this year. Large numbers of MBE/WBE A/E consulting firms testified at the recent public hearings held by the HRC to complain of the difficulty of being awarded a prime contract by the City and of the need for additional legislation that would address MBE/WBE prime awards.

Overview of Contracts

MBE/WBE Participation

Since 1980, the overall level of MBE/SMBE participation has remained high and has consistently exceeded HRC's minimum goals of 25% and 12.5% respectively. WBE participation has increased each year since 1980 and in 19 finally reached the HRC's minimum 5% goal.

Ethnic Distribution of Contract Awards.

Contractscontinue to be distributed among the various ethnic groups in approximate accordance with availability as measured by the HRC's Directory of MBE/WBE A/E consulting firms. The results for the last years have been influenced by one $3 million contract to a Hispanic geotechnical firm on the Cleanwater Program's Bayside Study. As a result, Hispanic participation has been very high compared to availablity and also compared to participation by other groups. Black participation was adversely affected during 1982 by the low level of contract awards to Black firms at the Airport. Conversely, the high level of contract awards to Asian firms at the Airport helped to increase their level of participation. [see Airport section] Every effort will be made next year to increase Black business participation, particularly in view of their substantially increased availability.

It should be noted that the dollar awards for each group have increased each year keeping pace with the rate of increase of overall contract awards. It is particularly positive to see the first award to a Native American firm since the inception of the MBE program.

Distribution of Contract Award by A/E Discipline

One of the aims of the MBE/WBE program is to try to facilitate access to the City's procurement dollar of all the different kinds of firms that provide A/E related services. It is clear that the MBE/WBE dollar continues to be spread among the various architectural and engineering disciplines and that the MBE/WBE program is working to ensure MBE/WBE participation in all aspects of project work. However, during the reporting period an extremely high percentage of the City's contract awards to structural, mechanical/electrical and geotechnical engineering firms were awarded to MBE:s This is due to the fact that these are services that are normally subcontracted out and are thereforefrequently subcontracted to MBEs by the prime consultant in order to meet the MBE goals. The tendency is even stronger in structural and geotechnical engineering where several large and highly competitive MBEs are available. The HRC has received complaints from both minority and majority engineering firms which claim that prime consultants, usually civil engineers or architects, do not assume a proportionate share of the responsibility for meeting the MBE goals. As a result, minority architects and civil engineers do not have access to City contracts and majority structural, mechanical/electrical and geotechnical firms are similarly excluded from the City's purhcasing dollar. The distribution of MBE participation during the reporting period would seem to verify their complaints at least in civil engineering contracts where only 9% of contract awards went to MBE/WBEs [as opposed to 86% of geotechnical contract awards for example]. The problem will be addressed in the next revision of the MBE program.

It should be noted that for the first time since inception of the WBE program there is some participation, however small, by woman -owned engineering firms.

MBE/WBE Prime Awards

MBE prime consultants were awarded 19% of the total contract awards made by the City during the reporting period. WBEs received no prime contracts.

Contract Compliance

The HRC continues to monitor billings during the contract to make sure that MBE/WBEs actually perform the work they were awarded. Staff also spends an increasing percentage of its time investigating complaints

and verifying MBE/WBE status. The complaints usually concern the way the MBE/WBEs are treated as a member of a consultant team, the City's slow payment process, and reductions in MBE/WBE scope of work from that originally awarded.

Ms. Rathbone proceeded to give a statistical Summary of the Contract awarding during the period 1980-1983 including Ethnic Distribution of Contract Awards, Distribution of Contract Award by A/E Discipline, MBE/WBE Prime Awards, Contract Compliance, Analysis of City Departments,Statistical Summary of Contracts, Availability of MBE A/E consulting firms, Comparative Analysis of MBE/WBE Participation: 1980-1983, Distribution of MBE/WBE Contract Awards by A/E discipline and finally, Analysis of MBE/WBE Prime Contract Awards.

Ms. Rathbone emphasized the "major effort" that the San Francisco International Airport staff has made to increase the opportunities for MBE/WBEs to compete for Prime awards, more than any other City agency, she said. The Airport maintains a shortlist of small MBE/WBEs, she said, from which they draw for all projects under $2 million in construction costs, (and for larger A/E projects as well). She commended Howard Friedman, AIA, specifically, a consultant to the Airport, who has taken the responsibility for not limiting competition for the huge $7.5 million South Terminal design to one large firm, but, instead, breaking the project down into seven separate components varying in size from $170,000 to $3 million. Each of these components was awarded as a separate prime contract, with four MBE/WBE firms being among the nine successful firms, although no woman-owned firms were among them.

- Commissioner Morrissey thanked Ms. Rathbone especially for including material/information on the availability of MBE/WBE firms in her report as he had requested some time ago.

- NOTE: Ms. Vicky Rathbone's report is available to the public at the Human Rights Commission, 1095 Market Street, Suite 501, San Francisco, Ca., 94103.

- At this point , Commissioner Ambrogi said he wished to pay special tribute to the quality and quantity of work produced by the HRC staff, and commended the leadership of Director Mickins as a major part of that achievement.

It was

******m/s/c to accept the Minority & Woman-Owned Business Participation on City Architectural/Engineering Consulting Contracts Report.

- Commissioner Morrissey distributed copies of an article from the The Monitor, the newspaper of the Archdiocese of San Francisco, which is a series of questions regarding legalized abortion in the United States.

NO NEW BUSINESS

CALENDAR MATTERS

- The next regular meeting of the HRC (the only one in July) will be Thursday, July 7, 1983, at 10:15 A.M. in the Third Floor Commission Room of the Main Library, in the Civic Center. The single August regular meeting scheduled will be Thursday, August 11, at 10:15 A.M. in the First Floor Lurie Room of the Main Library.

- Public Meeting June 28-It was announced that the Social Issues and Police Liaison Committee's third Public Meeting would be held Tuesday, June 28, in the Social Hall of Providence Baptist Church, 1601 McKinnon Avenue, concentrating on concerns of the Bayview-Hunters Point communities. The meeting begins at 7 PM.

STANDING COMMITTEES

Employment	Thursday, July 7, 1983 9:30 AM 1860 Mission Street, Second Floor
Lesbian/Gay Advisory	Thursday, June 23, 1983 5:30 P.M. 33 Gough Street First Floor, Auditorium
Social Issues/ Police Liaison	Tuesday, July 12 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
Housing and Urban Development	To be announced
Youth and Education	Thursday, August 18, 1983 3:30 P.M. State Building, Room 1200 450 McAllister Street

No Remarks from the Audience

Respectfully submitted,

Grant S. Mickins
via Jack Casford

Attachment

GSM:JC:bclp

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION URGING MUNICIPAL, STATE, AND FEDERAL AGENCIES AND LAWMAKERS TO RESPOND TO ACQUIRED IMMUNE DEFIENCY SYNDROME (AIDS) AS A CRISIS DEMANDING IMMEDIATE ATTENTION FOR FUNDING, RESEARCH, AND PATIENT CARE.

WHEREAS, as of April, 1983, over 1,300 cases of AIDS have been reported nationwide; and

WHEREAS, the number of AIDS cases doubles at a rate of every six months; and

WHEREAS, the City and County of San Francisco has reported approximately 175 cases of AIDS; and

WHEREAS, the fatality rate for AIDS is higher than 80% after two years of diagnosis; and

WHEREAS, this epidemic is serious enough to warrant massive public education, community services, patient care, epidemiological study, and research; and

WHEREAS, 70% of those people with AIDS nationally, and 90% in the San Francisco Bay Area are Gay men; and

WHEREAS, Gay people face discrimination due to their sexual orientation; and

WHEREAS, the quality and sanctity of life of people and their human rights is being grossly affected by this illness;

NOW, THEREFORE BE IT RESOLVED, that Municipal, State, and Federal Agencies and lawmakers do everything in their power to insure that adequate funding be given in an expeditious and caring manner for massive community education, patient care, epidemiological study, and research, and other related studies; and

BE IT FURTHER RESOLVED, that since a large proportion of people with AIDS resides in the San Francisco Bay Area, the Human Rights Commission will monitor AIDS activities and lend support and assistance, particularly to avoid discriminatory treatment of people with AIDS caused by a lack of knowledge and bias toward Gay people.

##############################

Resolution 4-83

Adopted by the HRC 6/23/83

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7/7/83

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, July 7, 1983
Commmission Room, Main Library

NEXT MEETING

Date: Thursday, August 11, 1983
Time: 10:15 A.M.
Place: Lurie Room, First Floor
Main Library, Civic Center

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NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners :

Present: Phyllis Lyon, (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, John C. Morrissey, Richard Sevilla, Brenda Wade, David K. Yamakawa Jr.

Excused: Robert Edwards, Antonio Grafilo, Corrine Lee, Joan Zamora Moulton, Esta Soler, George Suncin, Rabbi Martin S. Weiner.

Former Commissioner Dan Silva was introduced in the audience.

Staff:

Present: Grant Mickins, Eddie Baca, Bettye Burrell, Beatrice Cardenas-Duncan, Jack Casford, Richard Norton, Clemente Obregón, Pansy Ponzio Waller.

Ms. Geri Levitt, a student interne at the HRC working in the past year with the Intergroup Clearinghouse, the Social Issues and Police Liaison Committee, and other activities, was graduated from the University of California at Berkeley, but is continuing for the present as a volunteer with the staff. She was introduced and thanked for her contributions by Director Mickins.

PLEDGE OF ALLEGIANCE

MINUTES OF JUNE 23, 1983 APPROVED with one correction:

Page 6, five paragraphs from the bottom of the page, the sentence beginning. "Commissioner Morrissey commented that there were many other diseases...", the Commissioner said that the June 23 Minutes as written did not reflect what he intended to say. He asked that the paragraph reading "Commissioner Morrissey commented that there were many other diseases in the country's population, including Hansen's Disease (leprosy), and gential herpes, which need equal public and official concern and action" be replaced by: "Commissioner Morrissey commented that despite the fact the there are many other diseases in the country (such as Hansen's Disease (leprosy), and genital herpes), which require attention, nevertheless, considerable support and attention should be given at this time to financing whatever is needed to try to solve the AIDS problem, because, first, the novelty of it, and second, the seriousness of it as evidenced by the fatality rate."

COMMUNICATIONS

- From Mayor Dianne Feinstein, a notice to the Board of Supervisors, Commission Presidents, and Department Heads, specifying duties and titles of members of "top staff" in the Mayor's Office, including Deputy Mayor Hadley Roff, Deputy Mayor James Lazarus, Deputy for Budget and Fiscal

Programs Ray Sullivan, and Deputy for Management and Programs Peter Henschel. This notice was read in full.

- From Clerk of the Board of Supervisors John L. Taylor, a notice to all Department Heads explaining the approval of travel expenses, and quoting and interpreting Section 18 of the Annual Appropriation Ordinance. This notice was read in full.

- From Mayor Feinstein, a notice to Department Heads, Boards, and Commissions, giving pertinent submission dates for Management by Objectives (MBO) reports and reviews, leading to a review session for individual departments with the Mayor. This notice was read in full.

- From Supervisor Louise H. Renne, responding to the HRC's concerns regarding retention of funding for the Recruitment and Training Program in the allotments through the Community Development Block Grant procedure. The HRC, at the urging of Commissioner Suncin, at its June 23 regular meeting, had written to thank Supervisor Kennedy on the eventual restoration, through her initiative, of this funding.

- From Mike Roos, California Assembly Majority Floor Leader, notifying that Assembly Bill 1 was passed by the Assembly. This is the measure, introduced unsuccessfully for several years, that would make discrimination in employment on the basis of sexual orientation illegal statewide. The measure now goes to the State Senate for action. The HRC has long supported Assembly Bill 1.

- From Gordon A. Littman, Training Officer, Carpenters 46 Northern California Counties J.A.T.C. & T.B., a letter thanking HRC Contract Compliance Coordinator Stanley Lim for his participation in an Affirmative Action Equal Opportunity Workshop.

- From Walter Wong, President, United Asian Contractors' Association, to Chairperson Lyon, with copies to each HRC member, Mayor Feinstein, and the Board of Supervisors, expressing the Assocation's concerns over the lack of participation of Asian contractors in both public and private sector projects , as reported by Stanley Lim to the HRC at its regular meeting May 12, 1983 in his presentation, "Minority and Women Business Enterprises' Participation in City Construction Contracts, 1982".

- From Lee Novick, former Executive Director of the California Commission on the Status of Women, announcing her resignation June 30, 1983.

- From James A. Baker, III, Chief of Staff and Assistant to the President, acknowledging a copy of the HRC's letters to members of the Reagan Administration protesting its proposed changes to Department of Federal Contract Compliance regulations governing affirmative action requirements for federal contractors.

- From Congresswoman Barbara Boxer, a copy of a letter she wrote Mr. K. William O'Connor, Office of the Special Counsel, Washington, D.C,. supporting the request of Frank Quinn, District Director of the Equal Employment Opportunity Commission in San Francisco since February of 1968, of a stay of two weeks so that reasons for his announced transfer to the Birmingham, Alabama EEOC office can be investigated.

This reassignment, which had been announced at the HRC's June 23 meeting, has caused widespread Bay Area reaction and opposition, including a San Francisco Chronicle editorial of June 5, 1983 (read in full by Director Mickins), and the HRC's official letters of protest of June 28 to the EEOC Chairman, Clarence Thomas, the two California Senators, and other officials. Mr. Quinn was the first Director of the HRC, 1964-1966.

It was announced that Mr.Thomaswould address the Commonwealth Club in San Francisco on July 8.

- Skycaps Case-HRC Show Cause Hearing Panel Opinion.

The Skycaps, porters at San Francisco International Airport, represented by their Attorney, Victor C. Thuesen, had filed a formal Complaint of Non-Compliance with the HRC in January of 1983 against Allied Maintenance Corporation and fourteen airline companies.

A City Attorney's Opinion (No 83-4), issued January 17, ruled that the HRC had no jurisdiction in the case, since the complaint at issue was a direct challenge to the rate of wages, benefits, andworking conditions set forth in a collective bargaining agreement. This was announced by Director Mickins at the HRC January 27 regular meeting.

The Skycaps appealed this Opinion (cited in the Director's subsequent Finding of January 19), and a three-person Show Cause Hearing panel (Commissioners Rabbi Martin Weiner, Brenda Wade, and Mr. John Scott) was appointed and heard the appeal in April of 1983.

Director Mickins read in full the HRC Panel Opinion, which sustained the DIrector's Finding, that a collective bargaining agreement exists, and the HRC is denied jurisdiction. The Opinion states, "We share the Director's deep concern that this case, involving a group of Skycaps at the S.F. International Airport, 'presents one of the contemporary American tragedies of this era".

On June 24, 1982, Mr. Thuesen had first outlined, at the HRC regular meeting of that date, the situation affecting some 75 Skycaps at the Airport. He reported then that under a recently-completed settlement agreement by the Airports Commission with the individual airlines, a collective bargaining agreement under which the Skycaps had worked for a contractor to a consortium of airlines, would be negated. He said that under this new agreement (which dated from 1963) provisions for sick leave, paid vacations, wage standards, pension, health, and welfare benefits, etc., would all be cancelled, and the Skycaps, one-fourth of whom have 25 years or more tenure, would , to keep their jobs, have to forego all those benefits and work for the minimum $3.35 per hour. This was the situation as reported by Mr. Thuesen to the HRC June 24, 1982.

Director Mickins announced that Mr. Thuesen has 20 days from the date of service of the Opinion (sent by Certified Mail June 27, 1983) to respond, or to request a Hearing by the full HRC.

DIRECTOR'S REPORT

- HRC Budget.

Meetings with the Finance Committee during the week of June 27-July 1 resulted in a final recommendation by the Finance Committee of the Board of Supervisors of approximately 92% of the HRC's requested budget request of $658,701. A requested Employment Contract Compliance Officer position to work within the City Purchasing Department in implementing a Minority/ Women Business Enterprise program was approved, as recommended by the Budget Analyst, as was a paraprofessional (Lesbian/Gay Specialist II) position to help handle the increasing number of complaints of sexual orientation discrimination that come to the HRC under its mandate through Article 33 of the Municipal)Police) Code.

However, of a requested $30,000 to be added to a San Francisco Foundation grant of $15,000 to fund a Facilitator and staff operations, including a newsletter, for the Intergroup Clearinghouse, only $15,000 was recommended by the Finance Committee.

Efforts are still underway to obtain a restoration of the full $30,000. Commissioners were urged to write or telephone the offices of Supervisors Molinari and Renne, and Jim Gonzalez of the Mayor's Office.

Director Mickins commented that the Los Angeles human relations commission people he had met at the recent California Association of Human Rights Organizations conference in Pacific Grove had expressed a desire to visit and study the work of the Intergroup Clearinghouse.

- Annual Conference of the International Association of Human Relations Commission.

Mr. Mickins will attend this event in Philadelphia from July 10 through July 15, representing the HRC and the City and County of San Francisco. He will be on vacation from July 18 through July 31, returning to the HRC offices August 1.

- Minority Business Enterprise/Women Business Enterprise Public Hearings' Final Findings and Recommendations.

Work is more than two-third completed, Director Mickins said, on compiling and writing the First Draft of the material gathered from 56 City departments on their contracting records in calendar years 1981 and 1982, and from members of the industry in public hearings conducted in February and March, 1983.

It is hoped, he said, that a preliminary draft can be to the HRC by August.

STANDING COMMITTEES
Commissioners Joan Zamora Moulton/Robert Edwards, Co-Chairpersons

- Public Meeting June 28 for Bayview Hunters Point Community-Beatrice Cardenas-Duncan.

This was the third such event sponsored by the Social Issues and Police Liaison Committee. The first two were in Chinatown North Beach and the Mission neighborhoods.

Ms. Cardenas-Duncan said that there had been a representative group of community residents and leader at this meeting, held from 7 to 10 PM in the Social Hall of Providence Baptist Church at McKinnon and Third Streets. She noted that there was a fine representation also from Committee members, plus Captain Roger Maloney and Officer Joe Vigil of the Potrero Police Station as well as Commander Richard Trueb (a regular member of the Committee) and Sgt . Alexander Stevens, of the Police Legal Division. Commissioner Robert Edwards, a member of the Board of Turstees of Providence Church, presided, assisted by Co-Chairperson Moulton .

The major points that were made by the community speakers were:

1. Traffic safety and control in Bayview-Hunters Point area.

2. Unemployment, especially among youth, who congregate on the streets.

3. Sale and use of narcotics in the area.

4. A strong sense of community pride and identity, and a wish to have the community fully integrated into the activities of the City and to have locally-owned businesses, offering a wider variety of services.

Ms. Cardenas-Duncan noted that a full written report of the testimony and of the action responses made to them at the time will be provided all members of the Committee, which meets July 12 to make assignments for followup on these concerns.

She also commended the work of Jack Casford, staff to the Committee, in organizing , planning, and executing the Public Meeting, in which work he was assisted by Eva Vidaurri Royale.

LESBIAN/GAY ADVISORY
Richard Sevilla/David K. Yamakawa Jr., Co-Chairpersons

- Committee Report.

1. Completion of in-house organizing.

2. The Issue of AIDS and Reaction to Article on the Subject in California Magazine.

This article, entitled "Whitewash", by Peter Collier and David Horowitz,

in the July, 1983, issue of California Magazine was discussed in detail.

Commissioner Sevilla called the article "homophobic","vicious", and said it appeared to pit Gay community leaders against each other for having allegedly been for knowing in advance of general publicity about the prevalence of AIDS (Acquired Immune Deficiency Syndrome). He said that the nature of the comments in the article created a negative impact throughout the community.

The Committee has since been asked by members of the community, he said, to respond to these concerns, and it is proposing to hold a community forum on The Politics and Responsibilities of AIDS, tentatively on July 21.

Commissioner Sevilla was asked by Commissioner Morrissey to give some background on the first evidence, about two years ago, of the appearance of AIDS, and he did so. He referred to early reports of heavy concentration and prevalence of AIDS in the Gay population, and of early fears and apprehension that resulted. He said there had been implications that past conflicts between different groups in the Gay community are now being transferred to the AIDS issue.

He said the Committee hopes, in the proposed community forum, to bring people together, to maintain neutrality, examine the situation, and to focus on what kinds of action can be taken to reduce the conflicts, as reported and concentrate on the education and research necessary in the AIDS issue.

He stressed that the Committee does not propose a public hearing, aimed at achieving a program of specific Committee action, but an opportunity for expression of opinions.

Commissioner Morrissey commented that the problem stemmed in large part, no doubt, from public ignorance of the true nature of the disease and its fear of the unknown.

In the general discussion of this subject, contributions and comments came from Chairperson Lyon and from Eddie Baca, Facilitator of the Intergroup Clearinghouse, and Commissioner Chung.

Chairperson Lyon reported that U.S. Secretary of Health and Human Services Margaret Heckler has announced that the AIDS epidemic is the top priority of her department and that long-range funding of $50 million for research had been reportedly committed. She announced also that Mayor Dianne Feinstein (through the U.S. Conference of Mayors) serves on a Task Force of U.S. Mayors, which would provide a network of communications exchange among municipal public health directors and departments working on detection, treatment, public education, and research.

3. Michael Raines Sexual Orientation Discrimination Suit Against War Memorial Board of Trustees.

Mr. Raines was Acting Director,War-Memorial Board (described in one newspaper article as "manager of the City's Civic Center arts complex"), who was dismissed, allegedly over poor performance in his job, in 1980. He sued, claiming that he was fired because of his sexual preference.

Director Mickins reported that Mr. Raines at one time filed a formal complaint with the HRC under Charter 12B, but that after a City Attorney ruled that the HRC had no jurisdiction, the complaint was withdrawn.

In June of this year, Superior Court Judge Richard Figone ruled that Raines could not seek monetary damages under the City's 1978 ordinance, Article 33, which permits a person to sue for civil damages in cases of alleged discrimination on the basis of sexual orientation.

At Commissioner Sevilla's request, Commissioner Yamakawa reviewed the background on the passage and intent of Article 33 of the Municipal (Police) Code, (the Gay rights ordinance) noting the defense possibilities raised by the City Attorney in the Raines case, including the holding that the City and County under its Charter "cannot create private causes of action", and that local Gay rights ordinances are pre-empted by State regulations. The War Memorial Board of Trustees then retained private counsel.

Commissioner Yamakawa said that if Assembly Bill 1 passed the Senate as it has the Assembly, it would pre-empt local Gay rights legislation.

- Lesbian/Gay Freedom Parade.

Commissioner Sevilla thanked all the members of the HRC and staff who assisted in manning the HRC booth at the Civic Center on Sunday, June 26.

NEW MATTERS

- Proposed Resolution (Supervisor Quentin Kopp) urging that Federal Law be Changed to End City Ballots and Voter Handbooks Being Printed in Language Other Than English.

Commissioner Sevilla asked that his fellow Commissioners agree, as the Rules and Regulations require, to permit discussion of this issue and recommended action on it, without its having first been assigned to a Standing Committee for discussion and recommended action.

- Commissioners Ambrogi and Morrissey expressed their unwillingness to discussing it without the Standing Committee referral and action recommendation and it was

****referred to the Social Issues and Police Liaison Committee for discussion and recommendation.

-Statement of the Commission on Social Justice of the Archdiocese of San Francisco-Commissioner Ambrogi (Executive Director, Commission on Social Justice.)

Commissioner Ambrogi read in full the formal Statement and asked that it be included in full in these Minutes. That Statement is attached.

It concerns announcement, in a press conference of June 28, of rejection, by the Task Force on Gay/Lesbian Issues of the Commission on Social Justice, of the Senate of Priests' document, "Ministry and Homosexuality in the Archdiocese of San Francisco."

Commissioner Ambrogi responded to comments by Commissioner Sevilla and Eddie Baca on the matter.

The next regular meeting of the HRC will be Thursday, August 11, 1983, at 10:15 A.M. in the Lurie Room, Main Library of the Main Library in the Civic Center. This will be the only meeting in August.

STANDING COMMITTEES

Employment	Thursday, September 1, 1983 9:30 AM 1860 Mission Street, Second Floor NO AUGUST MEETING.
Lesbian/Gay Advisory	Thursday, July 28, 1983 5:30 PM 33 Gough Street First Floor, Auditorium

Housing and Urban Development	To be announced
Youth and Education	Thursday, August 18, 1983 3:30 P.M. State Building, Room 1200 450 McAllister Street
Social Issues and Police Liaison	Tuesday, July 12, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets

Respectfully submitted.

No Remarks from the Audience

Grant S. Mickins
via Jack Casford

Attachment #1
GSM:JC:bclp

COMMISSION ON
SOCIAL JUSTICE
ARCHDIOCESE OF SAN FRANCISCO • 441 Church Street • San Francisco 94114 • (415) 863-5172

MSGR. PETER G. ARMSTRONG, CHAIRMAN
THOMAS E. AMBROGI, EXECUTIVE DIRECTOR

STATEMENT

In a press conference of June 28, members of the Task Force on Gay/Lesbian Issues of the Commission on Social Justice expressed their rejection of the Senate of Priests' document, Ministry and Homosexuality in the Archdiocese of San Francisco.

The Commission on Social Justice accepts and affirms this Pastoral Plan of the Senate of Priests as a significant initiative in developing new relationships to the gay/lesbian community. Therefore, the Comission does not share the evaluation expressed by persons speaking as members of its Task Force. In fact, Kevin Gordon, in identifying himself as Chair of the Commission's Task Force in this press conference, exceeded his authorization to speak in any sense for the Commission on Social Justice.

We regret that by this action the members of the Task Force on Gay/Lesbian Issues have chosen to disassociate themselves from the Commission. They have done this both in the manner in which they have made their statement, namely, without any consultation either with the Executive Director, the Chairman or the members of the Commission, as well as by the content of the position they have taken. The Commission fully intends to be of whatever help it can in implementing as creatively as possible the Pastoral Plan, which has been approved by Archbishop Quinn as policy for the Archdiocese.

We had hoped that, through our Joint Committee of Commissioners and Task Force members, we were well on the way to implementing the positive recommendations made by the Task Force and the full Commission. Because of the position now taken by the Task Force, we find that the Commission is compromised in its ability to proceed with this project at this time.

Therefore, it is the conviction of all the Commissioners that the Task Force on Gay/Lesbian Issues be dissolved as of this date. The commission will continue to be deeply concerned about justice issues within the gay and lesbian community, but new forms of expressing that concern will have to be developed.

Peter G. Armstrong /s
Msgr. Peter G. Armstrong
Chairman

Thomas E. Ambrogi
Thomas E. Ambrogi
Executive Director

June 30, 1983

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Wednesday, August 24, 1983

NEXT MEETING

Date: Thursday, September 15, 1983
The September 1 meeting has been cancelled.

Time: 10:15 A.M.

Place: Commission Room, Third Floor
Main Library, Civic Center

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ROLL CALL

Commissioners:

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Antonio Grafilo, Corrine Lee

Staff

Present: Grant Mickins, Bettye Burrell, Jack Casford, Bea Duncan, Linell Harden, Ed Ilumin, Richard Norton, Gail Roberts, Pansy Ponzio Waller.

Bayard Fong, a former staff member of Chinese for Affirmative Action, was introduced. He has joined the staff as a Contract Compliance Representative.

PLEDGE OF ALLEGIANCE

MINUTES OF JULY 7, 1983 APPROVED with two corrections/changes:

1. On page 5, the second paragraph, beginning, "Commissioner Sevilla called the article "homophobic," .....etc. Commissioner Sevilla asked that the sentence (which had the word "responsible" erased from the stencil text, a departure from the original Minutes draft text) be changed to read:

"Commissioner Sevilla called the article "homophobic", "vicious", and said it appeared to pit Gay community leaders aganist each other for having allegedly been negligent in publicizing information about the prevalence of AIDS (Acquired Immune Deficiency Syndrome)."

This would replace the sentence as it appeared in the July 7 minutes: "Commissioner Sevilla called the article "homophobic", "vicious", and said it appeared to pit Gay community leaders against each other for having allegedly been (word earased) for knowing in advance of general publicity about the prevalence of AIDS (Acquired Immune Deficiency Syndrome).

The phrases deleted and substituted are underlined above.

- On Page 6, in the middle of the page, under "Statement of the Commission on Social Justice of the Archdiocese of San Francisco Commissioner Ambrogi (Executive Director, Commission on Social Justice)": in the last sentence of this section, the Minutes read: "Commissioner Ambrogi responded to comments by Commissioner Sevilla and Eddie Baca on the matter."

Commissioner Sevilla at this meeting asked that the two questions he asked at the time be included:

1. What is the Commission on Social Justice planning to do to replace the function of the Task Force on Gay/Lesbian Issues?

2. What is the Commission on Social Justice going to do with the 54 concerns raised on the Task Force report?

Commissioner Ambrogi responded by saying that the Commission on Social Justice at its meeting in September will address both of these questions.

COMMUNICATIONS

- From Ellen Shong Bergman (Director via John C. Fox), U.S. Department of Labor Employment Standards Administration, Office of Federal Contract Compliance Programs, responding to the Chairperson's letter of June 14, 1983 to Secretary of Labor Raymond J. Donovan, urging that he withdraw affirmative action regulations proposed in the Federal Register, and expressing concern that they might erode past or current efforts to ensure equal employment opportunity. On behalf of Ms. Bergman, it was stated that "...it is my belief that the proposed revisions will not adversely impact the employment opportunities of minorities and women." This letter was read in full.

- From Victor C. Thuesen, of Henning, Walsh & Ritchie, representing the Skycaps (Brotherhood of Railway and Airline Clerks et al.v. 14 air carriers) in a complaint of Non-Compliance. The HRC's Show Cause Hearing Panel Opinion was announced and read in full at the HRC July 7, 1983 that a collective bargaining agreement exists and the HRC has no jurisdiction, (based on a City Attorney's Opinion issued January 17, 1983.). Mr. Thuesen by letter July 15, 1983 formally appealed the Opinion on behalf of the complaining parties.

Director Mickins said Mr. Thuesen had requested a hearing as soon as possible, in late September. He has suggested that the HRC schedule the Appeal to be heard at either its September 15 regular meeting, in an hour set aside for that purpose, or at its October 13 meeting.

- From Congresswoman Barbara Boxer, soliciting contributions to help support the 20th Anniversary of the March on Washington, D.C. that will take place August 27, 1983 at the Lincoln Memorial in Washington.

- From Earl P. Mills, Deputy Executive Director, Community Services, San Francisco Redevelopment Agency, a copy of a Memorandum by Wilbur W. Hamilton, Executive Director of the SFRA on "Contacts with the Human Rights Commission Staff on the Agency's Glad Tidings Hearings and on a procedure for Investigation Charges of Discrimination ", and a copy of City Ordinance 599-22.

Paul Hardman, editor of the Voice (a local newspaper serving the Gay community) had appeared before the HRC in July-August of 1982, charging that Glad Tidings Tabernacle, which had received a Disposition Agreement from the Redevelopment Agency, discriminates against homosexuals, and insisting on HRC action. The City Attorney had ruled in an Opinion in June of 1982 that Chapter 12B, the City's Nondiscrimination Ordinance, does not apply to the Redevelopment Agency.

The issue also had been heard in May of 1982 before the Redevelopment Agency, which had requested, on September 20, 1982, that the HRC staff make a review and evaluation of thar Hearing. Director Mickins on June 8, 1983 in response to a request by the Agency and Mayor's office, submitted the finding that a due process Hearing had been granted all parties to the complaint and stating ..."the record seems to support a clear indication on the part of the Agency Commissioners to hear all points of view ..."

Also included by Mr. Mills was a copy of City Ordinance 599-82, approved December 24, 1982, amending Section 12A.5 of the HRC Chapter 12A ordinance by adding paragraphs (g) and (h), "adding agencies, boards or officers operating under state law to the powers and duties of the human rights commission." Director Mickins read this amendment in full. It gives the HRC power to investigate complaints of discrimination brought by citizens involving agencies, boards or officers operating under State law".. and to make written recommendations to....agencies or to represent citizens before...agencies."

- From Mervyn F. Silverman, M.D., M.P.H., Director of Health, Department of Public Health, thanking Commissioner Sevilla for commending Pat Norman as Coordinator of Lesbian/Gay Health Services.

- From State Senator David Roberti, announcing that Assembly Bill 1 moved to the Senate Finance Committee after passage by the Senate Judiciary Committee. AB 1 is scheduled to be heard by the Senate Finance Committee August 29.

- From Edward N. Brandt, Jr. M.D., Assistant Secretary for Health, U.S. Department of Health and Human Services, responding to Chairperson Lyon's letter to Dr. James B. Wyngaarden, National Institute of Health Director, regarding funding for AIDS. Mr. Brandt (this letter was read in full) said that combating AIDS is currently the number one health priority of HHS, and he outlined expenditures by various federal agencies through Congressional action.

- From Mayor Dianne Feinstein, a Memorandum to all Department Heads, Chief of Bureaus, sent July 14, 1983, announcing five different awards for outstanding San Francisco (departmental) managers, and seeking nominations by August 14.

- From Mayor Feinstein, asking Commissioner Sevilla as Co-Chairperson of the Lesbian/Gay Advisory Committee to submit resumes of potential Lesbian and Gay men as members of the Citizens Advisory Committee of the Office of Community Development.

- From Paul G. George, of Meserve, Mumper & Hughes, regarding the case of Charles Perkel V. American Airlines, Pacific Southwest Airlines, and World Service, Inc., asking a meeting to discuss resolution of the issues. Mr. George represents Pacific Southwest Airlines.

- From George A. White, Assistant Executive Director, San Francisco Clean Water Program, regarding a State Water Resources Control Board staff "determination on the eligibility and allowability of the funding of Human Rights Commission function as part of the Clean Water Grants Program."

Director Mickins said he had met with Mr. White and explained to him that the HRC affirmative action work in the Clean Water Program has never been charged under the State grant, but always under the local share, since the original interdepartment agreement in 1978.

- From Robert F. Alioto, Superintendent of Schools, acknowledging Chairperson Lyon's letter regarding the Lesbian/Gay Speakers Bureau, and noting its referral for action to Dr. Carol Choye, Associate Superintendent of Curriculum.

- From State Senator Daniel E. Boatwright, acknowledging the HRC letter urging his support of Assembly Bill 1.

- From Sheldon L. Greene, Esq., of Greene Kelley and Tobriner, regarding discussions pertaining to his Skycaps clients.

- From Frank Fung, President, Council of Asian American Business Associations, inviting Commissioner Soler to attend the 1983 Midsummer Mixer August 25 at the Japan Center Theater, 1881 Post Street from 5:30 p.m.

*****At the suggestion of Commissioner Soler, joined by several Commissioners, it was decided to experiment with circulation, at the next HRC regular meeting, of a Reading File of office correspondence, to avoid reading the items, in addition to the listing of all such correspondence received.

DIRECTOR'S REPORT

- Annual Conference of International Association of Official Human Rights Agencies.

Director Mickins attended the 35th annual conference of the IAOHRA from July 10 to July 15 in Philadelphia. It was sponsored by the Pennsylvania Commission on Human Relations, in conjunction with the Philadelphia Chamber of Commerce and the Keystone Association of Human Relations Commission.

Sessions included workshops and discussions/presentations on housing enforcement, housing affirmative markets, voluntary housing programs, racial and religious harassment issues, the need for coalitions with community organizations, refugee problems and community relations federal civil rights enforcement efforts in the U.S. and Canada, etc.

The main panelists were from the U.S. Department of Labor and Housing and Urban Development Department directors.

The Equal Employment Opportunity Commission Director, Clarence Thomas, urged an approach called the Expanded Presence Program, part of the introduction of new language and concepts in both the diminution in the use of class action suits by EEOC and the litigation of discrimination suits. Mr. Thomas denied any lessening in the enforcement efforts of the EEOC, but stressed the new thrust of voluntary compliance as a "tension-lessening" device.

There were also sessions on extensive updating in affirmative action approaches by computer compliance techniques for minority/women business enterprise programs. Director Mickins said he had sought to impress on conference planners the need for having Lesbian/Gay issues on the formal agenda of the next IAOHRA conference.

The 1984 annual conference of the IAOHRA will be in St. Louis, as guests of the Missouri (state) Human Rights Commission.

- Janitors at the Airport (Finding of Non-Compliance).

Director Mickins' Finding, issued April 13, 1983, in this Complaint of Non-Compliance made to the HRC by San Francisco International Airport janitors under Service Employees International Union Local 77-AFL-CIO, against American Airlines, Pacific Southwest Airlines, Western Airlines, and World Services, Inc., was that a discriminatory employment practice by World Services, a sub-contractor to the airlines, existed in violation of Chapters 11B.2 and 12B.4. Mr. Mickins announced April 14, 1983 at the regular HRC meeting that he had stayed the Finding on condition there be commitment from the respondent airlines to correction of the discriminatory employment practices cited.

At this meeting Mr. Mickins announced that although Western Airlines terminated its contract with World Services, Pacific Southwest and American had refused to do so. Accordingly, on July 11, Mr. Mickins had notified all parties that the HRC had terminated its negotiations with the two holdout airlines and World Services, and that it would move to set a hearing to try to resolve this issue formally.

A request for a temporary restraining order was filed on July 28 against the Airports Commission, Director Mickins, the City and County of San Francisco, Foreign Flag Carriers Corporation, Lockheed Air Terminal, and World Services, Inc., by the janitors' union, Local 77, SEIF, AFL-CIO, for $15 million, alleging failure to comply with the provisions of Chapter 12B of the Administrative Code.

Superior Court Judge John Ertola heard a motion August 2 by the SEIU for the temporary restraining order, which he denied. It was put over for a preliminary hearing, which was continued to September 2.

Mr. Mickins also announced that all foreign-owned airlines operating out of the new international terminal (the remodeled Central Terminal) had, through Lockheed Air Terminal, hired World Services, Inc., for their janitorial work. It was this step that prompted, in part, the legal action.

Director Mickins said he would issue this week formal notices to the Airports Commission of his determination that World Services is an irresponsible bidder. The HRC, he said, remains in an "administrative position" at the present time, pursuing the administrative relief.

Mr. Mickins said all respondents had filed timely appeals from his Finding to the fullcommission.

*** On the general question of whether members of the HRC are subject to liability for their actions officially, raised by Commissioner Morrissey, Director Mickins was asked to inquire whether there are protections or insurance coverage possibilities.

Mr. Mickins said that in his experience the City has, when an individual Commissioner is named in his/her official capacity in a lawsuit, moved to indemnify that official.

- HRC Budget 1983-84.

Director Mickins reported that he had been advised that the $30,000 allotment under the HRC budget for maintenance of staff and operations of the Intergroup Clearinghouse, once cut to $15,000 by the Finance Committee of the Board of Supervisors, has been restored.

- Funds for the City Purchasing Department. The Employment Contract Compliance Officer position to develop an operative Minority Business Enterprise/Women Business Enterprise Program was approved, as announced earlier, though funds have been held up until September.

- Status of MBE/WBE Hearings Report.

("Minority and Women Businesses' Participation in City Contracts-Findings and Recommendations").

A First Draft of this compilation of testimony at the Public Hearings held by the HRC in February and March of 1983 was completed in July and mailed to the members of a subcommittee set up to give input to the report and recommendations. This group (James Jefferson, Zulu Jones, Hayden Lee, Eva Paterson, Feliz Munoz, Sam Norman, Avonne Smith, and Aileen Hernandez.) met with Director Mickins and Stanley K. Lim of the HRC to review and refine the First Draft. The group made some strong constructive suggestions, Mr. Mickins said, on how the report should be further developed and presented. Gail Roberts is coordinating this preparation work. A Second Draft will be submitted to the HRC members for input preparatory to a Final Report (on the hearing Findings).

Remedial legislation is being developed by Ms. Paterson and Mr. Norman of the advisory group and should be a part of the Second Draft by approximately September 15.

STANDING COMMITTEES
EMPLOYMENT
Antonio Grafilo, Esta Soler, Co-Chairpersons

- Commissioner Soler asked that the Report on San Francisco City and County Leased Parking Facilities, by Essie Thomas, be moved to the top of the agenda, but it was
*****m/s/c that the Report be postponed to a later meeting of the HRC.

- Commissioner Sevilla requested that Reports of this nature be mailed in advance of regular meetings to Commissioners for their study.

SOCIAL ISSUES AND POLICE LIAISON
Joan Zamora Moulton, Robert Edwards, Co-Chairpersons

- Proposed Resolution Opposing November 8 City Ballot Measure (Proposition 0) Calling for Repeal of Multilingual Ballot Requirements of Voting Rights Act of 1975

Supervisor Quentin Kopp's proposal is that City voters be asked to approve a measure that would require that the Board of Supervisors and the Mayor , respectively, pass and sign a resolution urging Congress to repeal the multilingual voting law provisions (under the voting Rights Act of 1975), under which San Francisco and a number of other multi-ethnic cities have been providing multilingual voting information, ballots, and polling place judges to assist persons to vote whose first language is not English.

The question of an HRC position on this measure, which has since qualified for the November City ballot as Proposition O, was referred by the HRC July 7 to the Social Issues and Police Liaison Committee. The Committee discussed the pro and con positions on the measure at its regular meeting August 16.

Co-Chairperson Moulton introduced the Proposed Resolution, copies of which had been sent in advance to the members of HRC. She reiterated the past positions of the HRC on this issue including: A December 4, 1975 formal Resolution emphasizing its commitment to full implementation of the procedures under the Voting Rights Act of 1975 regarding citizens with lack of or limited ability in English; a January 1976 letter to the Voting Registrar seeking information on participation of minority voters; provision of background material on request of the Citizens Advisory Committee on Elections, in connection with work of the Multi-Lingual Citizens Task Force; and a strong protest in May of 1982 regarding the U.S. Attorney's request for officials to provide him the names of persons newly-registered to vote indicating preference for bilingual ballots.

Discussion of the Proposed Resolution to oppose Proposition O lasted more than an hour, and provoked in-depth commentary from most of the members present.

Commission Weiner, who said he had opposed the concept when the issue was first introduced July 7, said he continues his opposition. He said his view probably represented the views of the majority the Jewish community. He said he taught his immigrant grandmother English so she could vote.

Commissioner Soler said there was a wide range of opinion in the Jewish community, and she said that in view of the ethnic diversity of the City alone she felt that bilingual ballots should be supported.

Commissioner Ambrogi addressed the wording of the various solves of the Proposed Resolution and took issue with the premise that since the HRC had a traditional official posture of support for bilingual and/or multilingual voting information and ballots, then it behooved it now to oppose the Kopp measure. He said "I have serious reservations on the issue itself. There is a legitimate position behind the initiative." He pointed out that if there are English-language requirements for citizenship, then more consideration must be given to the issue.

Commissioner Moulton said that there had been debate on this issue at the conference recently of the Mexican-American Political Association. She said she felt it essential that the HRC try to understand the feelings and experiences of Latin persons for whom the first language is not English.

Commissioner Morrissey stated that democracy requires that all participate, and he questioned how language-minority ballots are chosen (the Act stipulates a 5% proportion of an ethnic/language minority in a City population), and how much the program costs. He said the existence of the Voting Rights Act (multilingual ballot provisions) indicates a failure on the part of the educational system in explaining English. The Commissioner continued by quoting directly from a book,"Hunger of Memory, the Education of Richard Rodriguez", who he said grew up in a Spanish-speaking family in Sacramento. The writer, according to one quotation the Commissioner read: "What I needed to learn in school was that I had the right and the obligation to learn and speak the public language of 'los gringos.'"

Commissioner Morrissey said that while he has reservations about the Proposed Resolution, he would support it.

He called on the HRC to take an active role in seeing that people are encouraged to learn English, and that it push the study of English.

After further commentary from Commissioners Moulton, Morrissey, and Ambrogi on motion of the latter, it was

****m/s/c that the third resolve paragraph of the Proposed Resolution (which referred to the 1982 controversy when the U.S. Attorney had sought the names of persons newly-registered to vote whose affidavits of registration reflected foreign birth or a preference for election materials in a language other than English, i.e., bilingual ballots) be deleted.

The vote to delete failed, by a vote of 9 to 4. The Ayes were Commissioners Morrissey, Weiner, Ambrogi, and Yamakawa. The Nos, which defeated the motion, were: Commissioners Chung, Edwards, Jung, Lyon, Moulton, Sevilla, Soler, Suncin, Wade.

Commissioner Weiner interjected that he had supported the HRC action opposing the U.S. Attorney's action in 1982, and stressed that he was devoted to bicultural and bilingual education for Jewish community members, but that his position of opposition was only on bilingual ballots.

Commissioner Edwards referred to an article recently by Dr. George Wu in the San Francisco Progress pertinent to assisting language-minority people in voting and understanding issues.

Commissioner Wade expressed her support for the Proposed Resolution saying that if people are asked to pay taxes, they should not in effect be disenfranchised by the lack of voting information and ballots in major ethnic languages. She said also that in her opinion a denial of the right to vote is not a spur to learn the English language.

Commissioner Sevilla referred to the lack of adequate English-language training classes in the City.

Chairperson Lyon also expressed her support for the concept of multilingual ballot assistance by the City, as a means of helping all citizens keeping fully informed on political and social issues.

It was then

********m/s/c that the HRC adopt the Resolution Opposing November 8 City Ballot Measure (Proposition O) Calling for Repeal of Multilingual Ballot Requirements of Voting Rights Act of 1975. A full copy of that Resolution is attached to these Minutes.

********Commissioner Moulton's concern about notification of a letter from a Supervisor regarding a member of the Social Issues/Police Liaison Committee was referred to the Administrative Committee.

HOUSING AND URBAN DEVELOPMENT
Samuel Chung, George Suncin, Co-Chairpersons

- Recommendation that HRC Oppose Assembly Bill 2184 Relative to Nondiscrimination Against Children-Ed Ilumin, HRC Housing Specialist.

Copies of this legislation had been provided in advance to the members of the HRC and were in their meeting packets. Mr. Ilumin discussed the provisions of the proposed measure, introduced by Assemblyman Robert Naylor and 17 colleagues in the Assembly. The bill as described in the Legislative Counsel's Digest states that restrictions against families with children (under age 18) would not apply to condominiums.

Mr. Ilumin said the bill would have an impact on the City, where condominiums already are not covered by the Fair Housing Ordinance.

After questioning from Commissioner Morrissey on the applicability of the bill to senior-citizen development, and a supportive statement for the committee's recommended opposition by Commissioner Ambrogi, it was

********m/s/c that the HRC oppose Assembly Bill 2184.

- Proposed Resolution Urging the Department of City Planning to Initiate a Comprehensive Zoning Study to Shape the Future of Development of Chinatown and Supporting a Moratorium on Residential Hotel Conversions in Chinatown Until Completion and Approval of the Zoning Study.

Mr. Ilumin introduced Mr. Lawrence Yee, a staff member of the San Francisco Neighborhood Legal Assistance Foundation. Mr. Yee gave the background to the drafting of the Proposed Resolution. He recounted the trend in the City to conversion of residential hotels, which have traditionally been a source of low-income housing for thousands of residents, to transient hotels or offices and commercial properties. He

noted the impact of such conversions (and, in many cases, actual demolition) of low-income residential housing stock was particularly heavy in the 35-block Chinatown North Beach area, largely bounded, for the purposes of his concern, by Vallejo on the north, Sutter on the south, Sansome on the east, and Mason on the west. He said that despite the Hotel Conversion and Demolition Ordinance of late 1979 (Ordinance 564-79, establishing an interim moratorium until permanent controls be drafted), in 1981-82 some 800 of an estimated 5,000 residential hotel units were lost to demolition and conversion, with projections that 1,000 more will be lost in the next year or so, for a total loss of 40% of this housing stock.

He noted also the proximity of Chinatown to the downtown area, where a boom of commercial building is taking place and rents have skyrocketed in recent years, giving rise to developer interest in nearby neighborhoods, heretofore residential.

He said that the Proposed Resolution was offered as a temporary measure, to give the Department of City Planning time to seek other means of zoning to help preserve the shrinking low-income housing stock. He said that there is fast becoming an inbalance of the business-office/low-income housing supply in the City, with the advantage to the former.

Eva Cheng, of Chinatown Neighborhood Improvement Resources Center, responded to Commissioner Yamakawa's inquiry about contacts made elsewhere in City government by saying they have talked with the Mayor and members of the Board of Supervisors.

After some further discussion, it was

******* m/s/c that the HRC adopt the Resolution Urging the Department of City Planning to Initiate a Comprehensive Zoning Study to Shape the Future Development of Chinatown and Supporting a Moratorium on Residential Hotel Conversion in Chinatown until Completion and Approval of the Zoning Study. A full copy of that Resolution is attached to these Minutes.

YOUTH AND EDUCATION
Brenda Wade, Rabbi Martin S. Weiner, Co-Chairpersons

- Committee Report-Beatrice Cardenas-Duncan

-The Committee at its August 18 meeting adopted a Plan for Action of 1983-84.

-Some fifty organizations representing diverse communities have been sent letters of invitation to send representatives to the Committee.

-Presidents of student bodies in public, private and parochial schools have been invited to attend, on a rotating basis, in order to provide more youth input.

-The Committee is monitoring the implementation of the Consent Decree between the National Association for the Advancement of Colored People and the San Francisco Unified School District, calling for transportation to reduce segregation, closure or conversion of some schools, etc. Ms. Cardenas-Duncan said many Black parents objected to Black children being bused out of the Hunters Point neighborhoods but no non-Black children being bused in to correct racial inbalances.

She said that the SFUSD also says it does not have the money to implement the Consent Decree because of cuts by the Governor.

-The Committee also is monitoring the status of charges of child abuse at the Juvenile Hall (Youth Guidance Center) which led to two public meetings (in the Mission and the Western Addition) recently on the issue. She said a report of the Mayor's Task Force is due by October 1. She said that two agencies---the Task Force and the Juvenile Justice Commission---are investigating some 40 individual charges (cases).

-The Mayor has approved $210,000 to implement a Central Facility (which the HRC endorsed) under the Status Offenders Act, but there has been a delay in the money forthcoming from the State.

-Commissioner Moulton asked that Ms. Cardenas-Duncan report that some youth who might have testified at the Public hearings on the Juvenile Hall charges reportedly felt intimidated from testifying because they fear possible reprisals from counselors, administrators, and law enforcement officers who were also at the hearings.

NEW BUSINESS

- Sister-City Relationship between San Francisco and Manila.
Commissioner Soler asked that the Administrative Committee discuss and make a recommendation on a position for the HRC on the question of whether, given the present tensions growing out of the assassination of Senator Bignio Acquino in Manila August 22, the sister-city relationship with San Francisco should be retained. She said she and Commissioner Ambrogi had received calls from concerned organizations regarding human-rights issues.

Hilary Crosby was invited by Commissioner Soler to speak from the audience. She said she is a member of the Coalition Against the Marcos Dictatorship and the Filipino Solidarity Network, and said that her group felt the sister-city status should be revoked "until President Marcos has been completely exonerated (in connection with the assassination of Senator Acquino) by an international effective investigation."
******Discussion of the sister-city status between San Francisco and Manila was referred to the Administrative Committee, as well as a discussion on what should be HRC policy on taking stands on international issues.

CALENDAR MATTERS

-- The next regular meeting of the Human Rights Commission will be Thursday, September 15, at 10:15 a.m., in the Third Floor Commission Room of the Main Library in the Civic Center. The previously-scheduled September 1 meeting has been cancelled.

STANDING COMMITTEES

Employment	Thursday, September 1, 1983 9:30 a.m. 1860 Mission Street, Second Floor
Lesbian/Gay Advisory	Thursday, September 22, 1983 5:30 p.m. 33 Gough Street First Floor Auditorium
Housing and Urban Development	To be announced
Social Issues and Police Liaison	Tuesday, September 13, 1983 3:00 p.m. Joe Jung's Restaurant Fifth and Market Street
Youth and Education	Tuesday, September 20, 1983 3:30 p.m. State Building, Room 1200 450 McAllister Street

Respectfully sumitted,

No Remarks from the audience

Adjournment

Grant S. Mickins
via Jack Casford

Attachment #1,#2
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ty and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OPPOSING NOVEMBER 8 CITY BALLOT MEASURE (PROPOSITION O)
CALLING FOR REPEAL OF MULTILINGUAL BALLOT REQUIREMENTS
OF VOTING RIGHTS ACT OF 1975

WHEREAS, the Human Rights Commission has long been supportive, by official action, of efforts to increase voter participation in the City by means of bilingual ballots and voting information; and

WHEREAS, since 1975, it has communicated its concerns about minority voter participation in all elections by means of formal letters to the Registrar of Voters, and the provision of background material to the Citizens Advisory Committee on Elections (1981); and

WHEREAS, the Human Rights Commission in May, 1982, joined other civil rights groups in the Bay Area in protest of actions taken by the U.S. Attorney, Joseph Russoniello, to obtain names of persons newly-registered to vote whose affidavits of registration reflected foreign birth or "a preferenee for election materials in a language other than English" i.e., bilingual ballots;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission formally oppose the proposed November City ballot measure that would require the Board of Supervisors and Mayor to adopt a resolution urging Congress and the President to repeal the multilingual voting provisions in the Voting Rights Act of 1975.

##########

Resolution 5-83
Adopted by the HRC 8/24/83

Attach #2

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION URGING THE DEPARTMENT OF CITY PLANNING TO INITIATE A COMPREHENSIVE ZONING STUDY TO SHAPE THE FUTURE DEVELOPMENT OF CHINATOWN AND SUPPORTING A MORATORIUM ON RESIDENTIAL HOTEL CONVERSIONS IN CHINATOWN UNTIL COMPLETION AND APPROVAL OF THE ZONING STUDY

WHEREAS, the Chinatown community is undergoing a series of development projects which have begun to upset the delicate balance of uses that has existed in Chinatown; and

WHEREAS, office and commencial projects have led to the loss or threatened loss of housing units by demolition or conversion to nonresidential uses, the displacement of neighborhood-serving businesses, and the threatened demolition of Chinatown's historic buildings; and

WHEREAS, the City has attempted to deal with these problems by imposing a series of interim controls, which have been incomplete temporary measures lacking the positive vision to guide land use development; and

WHEREAS, the lack of a comprehensive plan has been the cause of tensions and disputes among various elements of the Chinatown community; and

WHEREAS, a comprehensive zoning study, if approved, will take many months during which irreplaceable low-income residential housing will continue to be demolished or converted to non-residential uses;

NOW, THEREFORE, BE IT RESOLVED, that the Commission urge the Department of City Planning, the City Planning Commission, the Board of Supervisors, and the Mayor to initiate a comprehensive zoning study of the Chinatown area and to immediately declare a moratorium on the conversion or demolition of residential hotel units in Chinatown until the completion of the study.

##########

Resolution 6-83
Adopted by the HRC 8/24/83

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 15, 1983
Commission Room, Main Library

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NEXT MEETING

Date: Thursday, October 13, 1983
Time: 10:15 AM
Place: Commission Room, Third Floor
Main Library, Civic Center

NOTE:

See under Calendar Matters Section of these Minutes the Schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

COMMISSIONERS

Present: Brenda Wade (Presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, George Suncin, Martin Weiner, David K. Yamakawa, Jr.

Excused: Antonio Grafilo, Phyllis Lyon

STAFF

Present: Grant S. Mickins, Frank Anderson, Eddie Baca (Intergroup Clearinghouse), Bettye Burrell, Beatrice Cardenas-Duncan, Jack Casford, Eileen Gillis, Linell Harden, Stanley Lim, Richard Norton, Clemente Obregón, Pansy Ponzio Waller, Vicky Rathbone, Gail Roberts, Essie Thomas, Jackie Winnow.

Student Maria Santiago, a San Francisco State University, was introduced. She will be working as an Intern with the Lesbian/Gay staff.

PLEDGE OF ALLEGIANCE

Minutes of August 24, 1983 approved with these changes.

1. On Page 1, Commissioner Edward's name inadvertently was omitted from those present at that meeting.

2. On Page 6, fourth paragraph, first sentence, Commissioner Weiner asked that the words "was first introduced July 7" be deleted and subsituted with "had been previously discussed," to read: "Commissioner Weiner, who said he had opposed the concept when the issue had been previously discussed, said he continues his opposition."

3. On Page 6, sixth paragraph the word "solves" should read "resolves" to read: Commissioner Ambrogi addressed the wording of the various resolves of the Proposed Resolution...."

4. On Page 7, first paragraph, third line, Commissioner Weiner asked that the sentence reads: "Commissioner Weiner interjected that he had supported the HRC action opposing the U.S. Attorney's action in 1982, and stressed that he was devoted to bicultural and bilingual education, but that his position in opposition was only on bilingual ballots.

5. On Page 7, fourth paragraph, Commissioner Sevilla said that his remarks also were to the effect that he felt the HRC should take a position and take some action on the issue of English-language training classes and their availability in the City.

6. On Page 7, sixth paragraph, the vote to adopt the Resolution Opposing November 8 City Ballot Measure (Proposition O) Calling for Repeal of Multilingual Ballot Requirements of Voting Rights Act of 1975 should have read:

Ayes: Commissioners Chung, Edwards, Jung, Lyon, Morrissey, Moulton, Sevilla, Soler, Suncin, Wade, Yamakawa.

Noes: Commissioners Ambrogi, Weiner.

The measure passed by 11 to 2.

- This opened discussion of the recording of Commissioner votes by name, with ayes and noes shown separately, on split votes on actions taken. Where votes are unanimous, the HRC asked that this also be stated. At the suggestion of Commissioner Morrissey, in the future also the Minutes will state when a Commissioner leaves the meeting and the time he/she leaves.

It was

****m/s/c that the Minutes shall record, by name, alphabetically, the Commissioners voting either Aye or No on all voting actions. Roll Call votes will be taken at the time of the action at the meeting. The Minutes will note also when the vote is unanimous.

The HRC had voted to amend Rule 5 Voting Requirements and Procedures, of its Rules and Regulations on February 10, 1983, by adding the following: "The Minutes shall reflect the individual votes by the Commissioners on all matters voted upon by the Commission, unless the vote is unanimous.

The Chairperson shall call for a voice vote, and, in the event that it appears that a division exists among the Commissioners, the Chairperson shall call for a show of hands, which shall be recorded by the secretary." The HRC had amended its Rules and Regulations February 10.

7. On Page 7, under Housing and Urban Development, the last line recording the passage of opposition to Assembly Bill 2184 should include the words: "by unanimous vote."

8. On Page 8, at the end of the fifth paragraph, after the last sentence, "A full copy of that Resolution is attached to these Minutes", there should be added the sentence, "The vote was unanimous."

- Commissioner Sevilla had requested that the above two unanimous vote records be added to the August 24 Minutes.

9. On Page 9, at the bottom of the page, the line "No Remarks from the audience" should be deleted. As noted in the second paragraph on Page 9 under New Business, Hilary Crosby did speak, on invitation by Commissioner Soler, from the audience.

COMMUNICATIONS

- At this meeting, as agreed at the August 24 meeting, the Communications were listed on a separate sheet in chronological order by date written, giving the name of the originating person or organization, the person at the HRC addressed, the brief nature of the communications contents, and recommended follow-up action, and the copies of those communications were circulated in a file during the meeting to the Commissioners, who could, if they wished, request more details on them.

- From Leo E. Berregard, Agency General Counsel, San Francisco Redevelopment Agency, responding, on behalf of Mr. Wilbur Hamilton, to the HRC's request for an opinion concerning the relationship between St. Boniface Church and the Agency's April 23, 1963 Agreement for Disposition of Land for Private Redevelopment (LDA) regarding St. Mary's Cathedral. Mr. Borregard said the LDA terms and conditions apply only to the site of St. Mary's Cathedral. The HRC had inquired in response to a concern received in writing in April, 1983 from Paul D. Hardman regarding the reported negation, by Roman Catholic Archbishop Quinn, of a contract between the Gay Men's Chorale and the Church to give a concert at St. Boniface Church, 133 Golden Gate Avenue.

- From John L. Taylor, Clerk of the Board of Supervisors, advising of an amendment to the Annual Appropriation Ordinance, Section 18, deleting a paragraph which means, Mr. Taylor wrote, "...it is no longer necessary to request permission of the Finance Committee for attendance at various events."

- From Diane Jones, San Francisco Women's Centers, announcing sponsorship by the Women's Building of the Second Annual WOMEN'S RUN IN THE PARK on October 30, 1983.

- From Assemblyman Art Agnos, a form-letter analysis of the state budget, concentrating on the status of a number of state-funded services programs.

- From Mayor Dianne Feinstein to Director Mickins, regarding implementation of and participation in the management performance evaluation system program.

- From David Roberti, President Pro Tempore, State Senate, informing of the status and objectives of Senate Bill 910, a bill to combat Acquired Immune Deficiency Syndrome, which as of August 30 had been sent to the Assembly floor by a 19-1 vote.

- From Art Agnos, announcing the September 24 Grand Opening of the Candlestick Point State Recreation Area.

- From Mayor Feinstein, a copy (sent also to Jeffrey Lee, Director, Department of Public Works) of her response to a private citizen who telegraphed the Mayor describing efforts of Western Union to restrict smoking in the work place, and allegations of discrimination against Gays and Blacks.

- From Freedom Justine Nubée, a complaint regarding temporary employment problems in San Francisco.

- From Roberta McDonough, Director of Training, Civil Service Commission, regarding Managing Motivation for High Performance executive seminars and their follow-up programs developed, as funded by the Central Management Training Fund.

- From George K. Wong, Deputy City Attorney, giving a legal opinion on public disclosure and reporting the response of Ocean Beach Outfall Constructors to a compliant filed by the HRC.

- From Terri Simpson, Mayor's Budget/Program Analyst, informing that she is leaving the Mayor's Office for a position with the Public Library. Ms. Simpson, who had been liaison to the HRC, has been succeeded by Margaret Kisliuk.

- From Assemblyman Art Agnos and Supervisor Willie B. Kennedy, Co-Chairpersons, The San Francisco Senators Inc., announcing the annual "San Francisco Bid Whist Tournament" to benefit the Boys Home program.

- From Frederick E. Jordan, P.E., Jordan Associates, Inc., a copy of a letter sent to the Reverend Howard S. Gloyd, Bethel AME Church, thanking him for his support of the firm regarding the Lower Loop Road Utilities Project at the San Francisco International Airport.

- From Raymond Sullivan, Mayor's Office, seeking information about telephone billings as part of an evaluation of the Centrex system for intra-departmental communication by the City Telephone Users Committee.

DIRECTOR'S REPORT

- Status Report-Janitors at the Airport Case.

Director Mickins and Deputy City Attorney Judith Boyajian appeared at a September 6 hearing before Superior Court Judge Donald Constine to give the City's position on a request for a preliminary restraining order filed July 28 by the Service Employees International Union Local 77-AFL-CIO. Director Mickins announced that the HRC is still in the administrative process leading to scheduling an HRC hearing on the appeal to its original Finding of April 13, 1983 that World Services, a subcontractor to three airlines, was an "irresponsible bidder." The case now is under submission to Judge Constine, Mr. Mickins said, who has estimated his decision would be rendered within 10 days to 3 weeks.

- Commissioners' Reimbursement Fees-Status of Amendment to Ordinance.

Proposed legislation which would amend Chapter 12A 4 (a) of the Administrative Code to increase the per-meeting stipend of members of the HRC from $15 to $25 was

submitted by the Director to the Board of Supervisors June 9. By July, the HRC checked to determine if the item yet had been calendared by the Board's Human Services Committee (which meets only once a month) and learned that it had not. It was learned that the sponsoring Supervisor, in this case, Doris Ward, must personally request that the item be calendared. The delay was due to the legislation drafts having been misplaced at City Hall. The HRC has been assured by Supervisor Ward's office and that this item will head the calendar for the next Human Services Committee meeting.

- Status of Minority Business Enterprise/Women Business Enterprise Report and Recommendations.

The Second Draft of this 200-page Report, in three basis sections (a summary; a comprehensive report of testimony and findings, with appendices; and a final section on remedial legislation to be proposed) will be delivered to each member of the HRC September 16.

Mr. Mickins reported that HRC staff has completed summarizing all oral testimony given at the public hearings in February, March and April and compiled all pertinent raw data, outlined methodology used, verified statistical accuracy, etc. He said that virtually every member of the HRC staff had done some work on this preparation, and that staff had reviewed all listings of contracts awarded by the 58 City departments over a two-year base period (in the total amount of some $900 million), finding that participation by minority and women-owned business was roughly less than 3%.

Director Mickins then joined with Commissioners in discussing the schedule for Commissioner review and input in the Second Draft and for its submission to the Mayor and Board of Supervisors, stressing the desire to have this work completed by the first week in October.

Commissioner Sevilla, joined later by other Commissioners, noted that he wished to have adequate time to review the Second Draft thoroughly, and to seek advice and input from the community.

Commissioner Moulton expressed her dismay at reports that the ad hoc committee formed by the Employment Committee that has been working on this Second Draft did not have Latino representation. Director Mickins stated that Felix Munoz, representing the Employment Law Center, had been on that committee and attended all meetings save the most recent, (when he announced his resignation from the Center), and that his special contribution had been in the researching and drafting of the proposed remedial legislation to be recommended.

Commissioner Soler, Co-Chairperson of the Employment Committee, said the committee on the MBE/WBE Report was an ad hoc committee, and included some persons not members of the Employment Committee. She recommended that any members of the HRC who wished to could and should take part in the discussions of the ad hoc committee.

Director Mickins also assured Commissioners that they should have time adequate to make a thorough study of the Second Draft, but he reminded them of the expectations of the community for the completion of the report and action on its recommendations, and the HRC's obligations to the whole community.

Commissioner Morrissey observed:

1. That the hearings were before the full HRC; that all parties that could be reached received notice of them. He said that the HRC had the right to designate a special ad hoc group to draft a report, while no special group had the right to be a party to it, unless the HRC wished to delegate the writing of the report to certain individuals.

2. The hearings were not about employment, hence he saw no reason that the report should have been assigned to the Employment Committee.

3. The First Draft of the MBE/WBE Report he had seen did not indicate supportive data (such as Census data) that would enable the HRC or any other group to designate what percentage---3%, 5%, or 10%---was a reasonable figure (for contract participation).

Director Mickins said he agreed that perhaps a more comprehensive section on this data base would be a welcome contribution, and he noted that it was just this kind of input that the Commissioners were asked to provide.

Commissioner Ambrogi stated that he felt it was premature at this point to evaluate the material in the Second Draft before the members had received it.

The following schedule then was adopted by common agreement, after a number of other comments from Commissioners:

1. The Second Draft will be delivered to the members of the HRC by September 16.

2. All comments and suggestions from them are to be provided to the Administrative Committee by Friday, September 23, at its 8 AM meeting at the HRC offices.

3. A special meeting of the full HRC to review the Second Draft will be held Tuesday, September 27 at 8 AM at a location to be announced later.

- Double-O Trucking Company Appeal Hearing Findings.

Commissioner Lee announced that a draft of the Special Order Appeal Hearings findings in this case will be mailed to all Commissioners for their consideration/ suggestions on Monday, September 19.

- Intergroup Clearinghouse, Eddie Baca, Facilitator.

Mr. Baca said that the Clearinghouse is, through its Community Relations Committee, deeply interested in the remedial legislation that will be recommended through the MBE/WBE Report. He said it hopes to participate via a Fact Sheet for public education; networking; and setting up a lobbying organization to work with the Board of Supervisors. He announced that a meeting has been called for Wednesday, September 28 at the Women's Building of the Bay Area, 3543 18th Street, by Aileen Hernandez, who is coordinating this activity.

- Skycaps Appeal Hearing.

The date recently announced for this hearing will be changed to the first HRC meeting in November, which is November 10, at 10:15 AM in the Third Floor Commission Room of the Main Library, at the request of counsel for the Respondent Contractor of the Skycaps.

To Commissioner Yamakawa, Director Mickins said all briefs submitted by parties to the Show Cause Hearing Panel are available to Commissioners, but that he could ask the City Attorney and others in the case if they wished to submit anything additional.

STANDING COMMITTEES
EMPLOYMENT

Antonio Grafilo, Esta Soler, Co-Chairpersons

- Commissioner Soler, noting that Commissioner Grafilo had been unable to participate for some time in the Committee meetings and work, asked if another Commissioner might be willing to join her in Co-Chairperson duties.

- San Francisco City and County Leased Parking Facilities--Annual Report--Essie Thomas, Employment Representative.

Ms. Thomas noted that the HRC has been monitoring leases let by the Parking

Authority for three years. This, her Annual Report, was of the end of May, 1983 (it had been delayed in presentation to the HRC by other priority business). Her report was supported by statistical charts showing employee breakdowns by job categories for the twelve contracting companies monitored, first as a whole, and second, individually. These reports also showed the ethnic and sex breakdown and the total minority, majority, male, and female employees.

The report also noted that three firms: 5th & Mission Parking-Onorato's, Inc., St. Mary's Square Garage-Onorato's Inc., and Portsmouth Square Garage-Onorato's, Inc., continue to challenge the HRC's jurisdiction for affirmative action, contending that their leases (some dating back more than 30 years and extending for more than 50 years) pre-dated the passage of Chapter 12B. This year for the first time, however, Onorato's, Inc. had submitted their workforce breakdown reports. An Opinion on this challenge has been requested of the City Attorney's Office by the HRC.

The charts showed that 218 employees were covered by this report, 121 of them Minority (55.5%), with 17, or 1.8%, of the total workforce female. Minority participation in job categories ranged from 40.0% as supervisors to 57.7% as attendants. There was only one female attendant as of the final report date in late May, 1983, and Ms. Thomas said this continues to be a major defect in the affirmative action compliance by these contractors and that her efforts in compliance are concentrated here. She also said that employee workforces tend to be heavily weighed ethnically according to the neighborhood in which a parking facility is located, e.g., Asians predominate in Japantown and Chinatown garages.

Commissioner Sevilla asked that future reports on Parking Facilities show comparative figures with previous years so areas where progress was made or trouble spots could be made evident. Ms. Thomas said she could provide these comparative figures from her files and stated that generally the most recent report would reflect progress from the one preceding it.

- Commissioner Weiner excused himself from the meeting at 11:23 a.m.

In further discussion of possible discriminatory actions by contractors or unions representing attendants and other employees at these parking facilities, it was suggested by Director Mickins that the HRC can:

1. Use moral persuasion under its Chapter 12A mandate to identify problem and tension-producing issues in the City; and

2. Notify the California Fair Employment Opportunity Commission of possible discriminatory policies.

It was

****m/s/c that the Director be asked to follow up on his suggestions. The vote was unanimous.

It was

****m/s/c to accept the Annual Report-San Francisco City and County Leased Parking Facilities, and to ask that the next report include comparative statistics with the previous year.

- Report on Exempt Positions in City Department (as requested by the HRC at its June 9, 1983 meeting) - Frank Anderson.

Mr. Anderson's report included as attachments a copy of Chapter Three: Section 8.300 Civil Service Positions, from the Charter of the City and County of San Francisco Part One: Positions Subject to Civil Service, and a chart showing Charter Exempt Classifications, showing the Number of Positions, Class No. and Title, the Section Authority, and what department did the appointing.

Mr. Anderson noted that the Civil Service Commission Rules define Position Exempt (Section 2/22) as "Temporary or permanent positions exempted from being filed from eligible lists in accordance with the provisions in Section 8.300 of the Charter."

From Mr. Anderson's report, verbatim, on the second part of the request for this study:

2. "Learn what methods are used by commissions or departments of advertising exempt position openings, and or recruiting a representative ethnic minority and women pool of applicants for them."

A sample survey of City personnel regarding exempt positions conclude the following generalizations:

- Virtually little is done to publicly advertise openings for exempt positions. Basically the announcement for an opening for an exempt position is usually done by word of mouth via internal communication (within the department, within City-wide service and within the professional circle). Publicity about exempt openings is limited, tailored, and often self-contained.

- Generally speaking, a representative pool of applicants is usually not established as part of the selection process for exempt positions, especially one-unit positions. However, multiple-unit classifications show a trend towards developing a pool of applicants for openings.

- The selection process is usually an oral interview with the appointing authority."

Commissioner Soler, as Co-Chairperson of the Employment Committee, prefaced Mr. Anderson's report by saying that the Committee was making no recommendation for HRC action or a formal position as a result of his findings, given that most of the positions in question are political appointments or those serving at the pleasure of the Mayor or an appointing body, such as a commission (the HRC, for example).

Commissioner Sevilla, whose inquiry initially had led to this report being done, asked for the male, female, and ethnic breakdowns of the exempt positions.

Mr. Anderson reported: of 1,827 authorized exempt positions, 1,306 were filled when he did his study. Of these, 47% were White, 12% Black, 5% Hispanic, 7% Asian-Pacific Islander, 2% Filipino, and 0% American Indian. 71% were male; 29% Female. To Commissioner Moulton's question, he said that women minorities are counted in both categories.

Commission Sevilla suggested that the HRC point out to those agencies and commissions making appointments to exempt positions, and to the Mayor's Office and elected officials, that it is concerned about minority/women participation.

Commissioner Morrissey said he did not interpret Mr. Anderson's figures as showing discrimination, but he urged that appointing agencies, etc. be pressed to do more publicizing of the opportunity for appointments.

Mr. Anderson responded by saying that the subject of dissemination of information about the availability of appointed/exempt positions was not a new one. He noted that it became a project of the Commission on the Status of Women three years ago, and that the Commission had published and made available, without cost, a book entitled, "How to Get an Appointment". He said that some could scrupulously follow every step outlined in this book and still not obtain an appointment. "Information is not the issue here," he said.

Mr. Anderson said he had contacted the Mayor's Office, the City Attorney's Office, the Office of the Chief Administrative Officer, etc., and learned that in four years not a single protest over an appointment to an appointment to an exempt position has been received.

On Commission Morrissey's action, it was then

****m/s/c that the Report be returned to the Employment Committee with the recommendation that it consider whether or not there should be a higher degree of publicity (about the availability of appointive exempt positions).

- Office of Revenue Sharing Complaint Agreement-Status Report-Frank Anderson.

Mr. Anderson touched on highlights of his detailed, 13-page written Report on the Compliance Agreement of June 1979 between the federal Office of Revenue Sharing and the City and County of San Francisco. The Agreement came about as a result of an administrative complaint filed against the City in 1978 by Latinos for Affirmative Action, charging noncompliance with the Local Fiscal Assistance Act of 1972.

Latinos for Affirmative Action had been atempting to increase the participation of Hispanics in the City workforce.

The HRC was mandated to provide technical assistance to City departments required to implement affirmative action programs, to certify these plans, and to evaluate them in terms of affirmative action performance. Mr Anderson has been the HRC professional staff monitoring this program.

His report, covering a year since Fall of 1982, gave details on appointments (e.g., Hispanic hires were 27.1% of the 355 non-Civil Service appointements made to positions in specifically-targeted classes). Minorities comprised 61.6% of all candidates, including 18.4% Hispanics, in the total group of non-Civil Service appointments.

A section of his report deals with Transitions; e.g., of 1,627 permanent appointments made in the report period, 82.2% involved persons already employed by City government. This statistic, he reported, is "viewed as strong evidence of the City's continuing commitment to the goals of the Compliance Agreement." Of the 730 transitional appointments, 478 involved minority candidates including 89 Hispanics.

Mr. Anderson referred to the City's current Accelerated Testing Program, and to the status of Separations. These can be persons who are dismissed (unsatisfactory separations) or who move from one permanent appointment to another (statisfactory separation). Mr. Anderson found that although the overall unsatisfactory service separation rate is high for minorities as a whole, most of the activity appeared to invlove Black employees. He found that the Civil Service staff is "unable to provide any special insight into this issue at this time."

He noted that he estimates that as many as 70% of the persons who appeal their separations to the Civil Service Commission fail to appear for their hearings. Commissioner Soler said that these hearings by their formal nature might well intimidate people from having their affairs discussed publically.

Mr. Anderson's report also included statistical tables on the Summary of Appointments and Separations, comparing the first six months of 1982 and 1983, by ethnic breakdown, including permanent, temporary, limited tenure, non-Civil Service and the totals.

He provided the data base background when the Civil Service Commission adopted an updated Annual Supplementary Affirmative Action Plan for Equal Opportunities in October of 1979. He said a 1983 Plan will be prepared by the Civil Service Equal Employment Opportunity Unit in the near future, and that the HRC and the CSC will coordinate and assist City departments in updating departmental affirmative action plans, including setting affirmative action goals, a review of progress since 1981, a Utilization Analysis based on 1980 Census data for the San Francisco available labor market, and an identification of problem areas and remedial actions.

Further statistical tables show the Civil Service Workforce Composition each year since 1979 through 1982, the U.S. Census Labor Market Availability by ethnic breakdown, and a Special Occupation Tabulation of the 1980 U.S. Census.

A final section of this extensive report discusses Discrimination Complaints filed under Civil Service Rule 1.03F. From July 1, 1983 to June 30, 1983, there 40 such complaints filed. From December 24, 1980 to June 30, 1981, there were 8.

Mr. Anderson's summary/conclusions are, verbatim from his report:

"Based on the comparisons of all personnel transactions report herein, it appears that the City has made some gradual but significant progress towards achieving overall affirmative action objectives. However, this progress should be viewed cautiously since there still exist some severe underrepresentation in numerous classifications and several city departments. Continued efforts are needed in the form of remedial programs, and adequate deployment of resources to achieve affirmative action goals. The reaffirmation of the principles of affirmative action is needed in conjunction with the continuation of the scope of the ORS Agreement."

- Commissioner Jung excused himself from the meeting at 11:45 a.m.

LESBIAN/GAY ADVISORY

Richard Sevilla, David K. Yamakawa Jr., Co-Chairpersons

- Recommended HRC Public Hearing on Racist Employment Practices in Gay and Lesbian Businesses-Commissioner Sevilla.

Commissioner Sevilla introduced two speakers:

Mr. A. Billy S. Jones and Mr. Tom Heran of Black and White Men Together and the Task Force on Racism in the Lesbian/Gay Community.

Mr. Jones, who is Co-Chairperson of the International Black and White Men Together and Administrative Director of Youth Advocates, referred to the Report of the Employment Discrimination Project, published in February, 1983 by Black and White Men Together. Copies of this report were provided to each Commissioner, as well as copies of a memorandum to the HRC from the Task Force on Racism in the Lesbian/Gay Community. The latter gives a summary of the efforts of these two groups (two of fifteen Lesbian/Gay advocacy organizations) to "...engage Gay businesses in a dialogue about the issue of racism in employment in our community."

Mr. Jones said that BWMT's report is an attempt in part to correct the myth that minority communities are less discriminatory than other communities. He said that the report and the concerns grew out of the frustration of people of color (Black, Asian, Latin, Native American) who wish to find work positions in their community, in this case the Gay community, but cannot secure employment.

Mr. Jones charged that there is an "old boy/old girl network" that dominates employment possibilities in Lesbian/Gay businesses, particularly bars, which are a major social and political resource for Lesbians and Gays.

He said that the Project sought to have hiring practices revamped in order that people of color be fairly informed of employment opportunities, through adoption of voluntary affirmative action and equal employment policies in Gay/Lesbian bars and businesses. Suggestions of the Project included advertising of employment in periodicals and standardization of employment procedures.

Mr. Tom Heran, Co-President of Black and White Men Together, Acting Chair of the Task Force on Racism in the Lesbian/Gay Community, gave the background of the Project, which began with a visual survey on one night conducted by teams of two men each, who visited 99 Gay bars, which revealed than only some 9% of the visible employees were non-White (Latinos, Blacks, Asians). Press releases detailing these findings were distributed to the Gay press. A repeat survey was done in October of 1982, covering 96 Gay bars this time, and there had been almost no change in the employment pattern. (10% nonWhite).

- Commissioner Suncin excused himself from the meeting at 12:10.

In March, April, and May of this year the Project made some 40 presentations to organizations, asking that they adopt resolutions of support for the goals of the Project. They have met with the Tavern Guild, but have received no commitment for charge.

They have come to the HRC Lesbian/Gay Advisory Committee, he said, because they have exhausted all other means of publicizing this problem and because there has been no response from any owners of Gay bars and their owners or managers invited to participate in the formation of the Task Force, but there has been no response.

Commissioner Sevilla said that the recommendation of the Lesbian/Gay Advisory Committee was that the HRC sponsor public hearings on the issue of discriminatory employment practices of Lesbian/Gay businesses.

Mr. Heran, responding to Commissioner Chung's question, said the Task Force is not seeking legislative relief, but rather prefers that voluntary business compliance be obtained. He said the HRC public hearings are seen as a means to create and impetus for business owners and managers to address and change their policies voluntarily.

Commissioner Yamakawa said that the hearings can expose the problem as it exists, and then see that appropriate enforcement agencies covering discrimination are made aware of the situation.

Commissioner Soler urged that the public hearings be formal ones, with a record made of testimony, etc.

It was then

****m/s/c that the HRC hold public hearings on the issue of discriminatory employment and hiring practices based on race taking place in Lesbian/Gay community businesses. The vote was unanimous.

Commissioner Sevilla said the staff of the Lesbian/Gay Advisory Committee was prepared to coordinate the conduct of these public hearings with the help of interns and volunteers.

NEW MATTERS

- Commissioners Chung then read in full a statement composed by himself commenting on the September 1 shooting-down of a Korean Air Lines commercial plane with 269 passengers by Soviet military aircraft in Far East Soviet airspace. Commissioner Chung said that on behalf of the Korean community he wished to express its sincere appreciation to many civilized citizens of the Western world "who condemn and deplore such inhuman action taken against an unarmed civilian airliner." His statement also called on the United States and other Western governments to take every possible measure of economic sanction, to stop the export of strategic military technology to the Soviet Union, and to demand the Soviet government's apology and (the payment of) adequate compensation for the innocent victims. The Commissioner authorized these Minutes to carry a summary of his remarks in lieu of the full statement verbatim.

- Commissioner Sevilla asked to refer to the Youth and Education Committee the issue of English courses in the City, asking that it study the waiting list, why the problem exists, and to make suggestions for addressing it.

SOCIAL ISSUES AND POLICE LIAISON

Robert Edwards, Joan Zamora Moulton, Co-Chairpersons

- Committee Report postponed to the next regular HRC meeting.

NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the Human Rights Commission will be Thursday, October 13, 1983 at 10:15 AM in the Third Floor Commission Room of the Main Library. The Commission Room must be vacated on that day at Noon for another previously-scheduled meeting.

STANDING COMMITTEES

Employment	Thursday, October 6, 1983 9:30 AM 1860 Mission Street, Second Floor
Lesbian/Gay Advisory	Thursday, October 27, 1983 5:30 PM 33 Gough Street First Floor, Auditorium

Housing and Urban Development	To be announced
Social Issues and Police Liaison	Tuesday, October 11, 1983 3:00 PM Joe Jung's Restaurant Fifth and Market Streets
Youth and	Tuesday, September 20, 1983 3:30 PM State Building, Room 1202 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:ltn

SF
HRC
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9/27/83

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Special Meeting of Tuesday, September 27, 1983
Ronald H. Born Auditorium, Department of Social Services
170 Otis Street
8 AM

DOCUMENTS DEPT.
OCT 13 1983
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, October 13, 1983
TIME: 10:15 AM to 12 (instead of 1 PM)
PLACE: Commission Room, Third Floor
Main Library, Civic Center

NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners:

Present: Phyllis Lyon (presiding), Samuel Chung, Joe Jung, John C. Morrissey, Richard Sevilla, Esta Soler, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Antonio Grafilo, Corrine Lee, Joan Zamora Moulton, George Suncin.

******* Commissioner Robert D. Edwards, a member of the HRC since May 21, 1980, died of a heart attack September 21, 1983. See NEW MATTERS section of these Minutes for formal actions taken by the HRC and the attached Resolution of Tribute.

Staff:

Present: Grant S. Mickins, Eddie Baca (Intergroup Clearinghouse), Jack Casford, Beatrice Cardenas-Duncan, Don Hesse, Stanley Lim, Dick Norton, Gail Roberts, Mary Gin Starkweather.

NO PLEDGE OF ALLEGIANCE due to lack of a Flag.

STANDING COMMITTEES

ADMINISTRATIVE
Brenda Wade, Co-Chairperson

- Volume I (Investigation into Minority and Women Business Participation in City Contracting: Comprehensive Edition: Findings, Recommendations and Support Documentation), and Volume II (Abridged Edition), and Proposed Amendment to the San Francisco Administrative Code (Chapter 12D-the "proposed Minority and Women Business Utilization Ordinance")-for HRC Review, and Community Recommendations and/or Adoption.

Commissioner Wade announced that the Administrative Committee had met September 23 as previously agreed to consider the revised proposed Amendment to the San Francisco Administrative Code and that this Special Meeting was to hear from either the HRC or members of the audience any substantive suggestions for changes.

It was (after some discussion)

**** m/s/c unanimously to set the meeting limit at 10 AM.

Commissioner Yamakawa reported that Commissioner Moulton suffered a foot injury and was unable to be present either September 23 or September 27, had contacted him to say she expected to receive written comments from Hispanic leaders, and that she preferred that the matter of the proposed Amendment be considered further by the Administrative Committee.

Commissioner Sevilla said that in his opinion the work of the Administrative Committee "is not finished at this point."

The Commissioners generally were in agreement with Commissioner Soler's comments that this Special Meeting would not be acting at this meeting to adopt any final form of the proposed Amendment, and that it would need a further meeting/meetings on the matter.

Commissioner Soler responded to Commissioner Morrissey's question whether the HRC was re-opening the Public Hearings (on MBE/WBE participation, etc.), by saying that there were members of the audience who had been working in an ad hoc committee that also included members of the Employment Committee in the drafting of the proposed Amendment and that they were to be heard with their additional suggestions on the latest draft of that document, (which had been distributed only 24 hours before the Special Meeting.)

COMMENTS FROM THE AUDIENCE

- Ms. Eva Jefferson Paterson, of the San Francisco Lawyers Committee.

Ms. Paterson urged that there be a week to ten-day period for further "tightening up" of the document in order to "polish it" for presentation to the Mayor, the Board of Supervisors, and the courts.

She made four other specific points, regarding:

1. Elimination of Finding No. 1 "That there were no official City and County policy of overt discrimination against minorities and women;"

2. The critical need to include data on the availability of minority and women-owned businesses in the relevant labor market.

3. Further consideration of a section regarding contract awarding authorities and a "5% preference" consideration for minority or women bidders, with 10% for local minority or women bidders.

4. The need of a "sunset provision" in the proposed Amendment which would have it expire when its goals had been achieved.

Commissioner Morrissey stated that he felt that the Public Hearings (in February and March) had not produced evidence that there was an overt City policy of discrimination against minorities and women (while there was no question there had been societal discrimination in the past), and on this point there followed considerable discussion.

Mr. James D. Jefferson, President San Francisco Black Chamber of Commerce, and with Ms. Paterson, a member of the ad hoc committee, said that the question over the "overt" reference in the proposed Amendment was a key issue, and that more time was needed to review that and other points on the most recent draft.

Mr. Jefferson said he was accompanied by Samuel Norman, General Counsel to the Chamber, and stated his opinion that where a population of 55% minority (total for San Francisco) exists and 2.8% of the contracts let by the City went to that population, "no further finding beyond that is necessary to establish the fact that...discrimination has in fact existed."

Mr. Jefferson said further that the availability of women and minority-owned businesses is a an important basis for establishing goals, but it should not be the only basis, population parity should also be included.

He called for further analysis by the staff in determining whether the HRC subcontractor program should be incorporated.

Mr. Jefferson repeated his opinion that "it would be a mistake to include (in the proposed Amendment) as a matter of Finding that no overt discrimination exists."

There were further comments regarding a section of the proposed Amendment pertaining to personal services contracts preferences under $5,000, which staff reported was a technical error.

Mr. Jefferson urged that the proposed Amendment (to create Chapter 12D, the "Minority and Women Business Utilization Ordinance") have remedies built into it, as well as specific set-asides and target goals, given that Finding that " a review of leases and other City departmental agreements reveals that MBE/WBE firmsreceived 2.8% of all prime contracts awarded during a base-year period of 1981 and 1982". He said the Chamber General Counsel and others would be willing to lend legal assistance to defend the ordinance should it be adopted and challenged.

Director Mickins said that Finding No. 1 (that there was no official City and County Policy of overt discrimination against minorities and women) was not mentioned in the earlier drafts. In fact, the document was silent on the question. He said it was his suggestion that the report should state affirmatively what it did find, rather than what it did not find, in reference to this issue.

Mr. Hayden Lee, of Asian, Inc., also recommended postponement of any final HRC adoption action on the proposed Amendment. He said that he felt that there were many examples of discrimination that could be provided.

Mr. Lee said he had been a part of the work on the drafting of the proposed Amendment and that he (we) did support the set-aside and other provisions as contained in the latest draft. He said, however, that he still wished to review the document. Commissioner Morrissey invited him to bring instances of official discrimination to the attention of the HRC.

A number of Commissioners (Wade, Sevilla, Yamakawa), then commented informally on the document and stated that they wished for suggestions and comments from all parties before the Administrative Committee should re-consider the final draft, after which

****Chairperson Lyon re-referred the proposed Amendment to the City Administrative Code, Chapter 12D, an ordinance to be entitled, "Minority and Women Business Ordinance" to the Administrative Committee, and it was agreed that the Committee would meet Friday, October 7 at 8 AM at the HRC Office, 1095 Market Street, Suite 501. The Administrative Committee would set October 13 as the target date for completion of its work on the proposed Amendment. October 13 is the next regular meeting of the HRC.

- Former HRC Commissioner Dan Silva from the audience commented that he thought the draft proposed Amendment was "excellent", and said it presented the opportunity to produce the mechanism for carrying out its purpose.

- Ms. Sandra Crumpler, Principal Administrative Analyst, San Francisco International Airport, from the audience, urged that the document contain provisions that each City department has as fulltime M.B.O. staff a minority/women business enterprise officer to disseminate information about bidding opportunities, and be liaison between departments and the communities.

Director Mickins noted that Commissioner Morrissey had made the same suggestion.

Commissioner Morrissey then stated that "there is a basic issue that.... we have to recognize": to what extent will this (the proposed Amendment) "stack the deck" against certain existing dealers with the City, and how many people will be "removed completely from the opportunity to do business with the City." He said "stack the deck" was a term of the court. (In the Associated General Contractors of California vs. S.F. Unified School District). He cited one provision in one of the drafts that he said specified that certain contracts could only be given to minorities and women business enterprises.

Mr. Jefferson responded by saying, in part, that set-asides are intended to be enforced only until past problems (of nonparticipation) have been solved. He said that in his opinion up to this point, the "deck has been stacked against us." To Commissioner Morrissey's appeal for evidence, which he said was one of the main purposes of the Public Hearings, Mr. Jefferson offered to provide a legal memorandum on this aspect.

This ended the discussion regarding the draft of the proposed Amendment.

YOUTH AND EDUCATION

Brenda Wade, Rabbi Martin S. Weiner, Co-Chairpersons

- Proposed Resolution Regarding the N.A.A.C.P. And the San Francisco Unified School District Consent Decree. -Beatrice Cardenas- Duncan, HRC Coordinator, Staff to the Committee.

Ms. Duncan stated that the Committee met the evening of September 26 (the night before this HRC meeting) to complete its work and amend the proposed Resolution. She distributed the amended copies of the document.

She said there has been unanimous agreement and a vote to accept and recommend the proposed Resolution to the HRC, with approximately 20 members present, plus Fred Leonard, of the San Francisco Unified School District staff.

At the Committee meeting of September 20, she said, present had been Ms. Shirley Hubbard, the Chair of the Bayview-Hunters Point Coordinating Council's Education Committee, Ms. Jule Anderson, President of the San Francisco Chapter of the N.A.A.C.P., and Mr. Claude Eberhardt, representing San Francisco Unified School District citizen's advisory committee that was formed through the School District.

Ms. Cardenas-Duncan pointed out minor changes that had been made in the wording of the resolves of the proposed Resolution at the September 26 meeting.

Commissioner Morrissey opened the Commissioner commentary by stating that: 1. he was surprised that the HRC was being asked to support the Consent Decree, inasmuch as at the September 20 meeting he had heard criticisms from the community of the Consent Decree; and

2. He wondered how many HRC staff personnel would be required to carry out the monitoring function. (Note: the third of three resolves in the proposed Resolution read: "Request that Judge William H. Orrick, United States District Judge, Northern District of California, appoint the San Francisco Human Rights Commission as the independent monitor to oversee the day-to-day implementation.")

Ms. Duncan noted that the HRC already is monitoring the Office of Revenue-Sharing Compliance Agreement issued in 1979 as the result of legal action by Latinos for Affirmative Action against the City for inadequate (and discriminatory) City hiring practices regarding Hispanics. She said that many Committee members felt that at the present there is no agency doing this monitoring of the Consent Decree, and that there was a need for this service. Commissioner Morrissey stressed, however, that a monitor has to implement a Consent Decree despite agreement or disagreement with it.

Commissioner Weiner said that there was strong agreement by most parties on Committee consideration of the Consent Decree, and that the basic principle was good, but that the implementation needed coverage. He noted also that community input on the issue of the status of Charles Drew School was a primary concern. He said the HRC was able to moderate this issue, and that he felt it could play a rather important role in helping solve and calm concerns and emotions on that key issue (Drew School, and whether it would be closed, as the School District proposed to do).

Commissioner Morrissey restated his opposition to asking the HRC, in the recommended Resolution, to "formally support" the Consent Decree, but said he agreed with the suggested HRC role regarding the Drew School. He said that he, and he presumed many other fellow Commissioners, had not given any time nor study to the conditions of the Consent Decree.

Commissioner Yamakawa said that the HRC has no resources to do anything about Charles Drew School, or means of making sure there is an "enhanced program" there, as the proposed Resolution states.

Commissioner Weiner said that the sentiment he felt at the 9/26 meeting was:

1. That Drew School be kept open.

2. That there be a new to housing and a renaissance of Bayview Hunters Point.

3. That there is a role for the HRC in view of the strong feelings of thousands of area residents affected by these events.

4. That the HRC could play a minor but important role, as an independent, concerned, deliberative body.

Commissioner Yamakawa, however, said he agreed with Commmissioner Weiner, but he reiterated that the Resolution asked that the District Court appoint the HRC as the independent monitor.

Commissioner Wade said her interpretation of the spirit of the Committee meeting September 26 was not that the HRC be in the role of enforcer of the Consent Decree, but that of an independent body, neither community nor School District, stepping in where there presently exists no outside agency providing a middle ground.

She said to Commissioner Morrissey, who reiterated his concerns about the details of monitoring, that it would consist of HRC staff (Ms. Cardenas-Duncan, largely) checking the figures with the School District.

Commissioner Yamakawa said, "Becoming an advocate makes me uncomfortable, because if we had been advocates in the past, we would have stood with Chinatown in what was happening then." (Note: When school integration transportation--busing--plans were announced , there was bitter and sometimes violent opposition within the Chinatown community).

Commissioner Morrissey then moved, and it was

******seconded that the first resolve of the proposed Resolution be amended as follows:

It originally read: "NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission:

1. Formally support the Consent Decree of December 30, 1982 in the United States District Court, with recommendation that will allow for the reopening of Charles Drew School with a ratio of ethnic student population as defined in the Consent Decree with an enhanced program:"

The HRC voted to amend this resolve to read:

1. "Urge that the United States District Court take such action as will require the reopening of Charles Drew School with a ratio of ethnic student population as defined in the Consent Decree with an enhanced program;"

******Commissioner Morrissey's motion that the HRC delete the third resolve:

"3. Request that Judge William H. Orrick, United States District Judge, Northern District of California, appoint the San Francisco Human Rights Commission as the independent monitor to oversee the day-to-day implementation."

failed to receive a second.

It was then

******m/s/c to adopt the amended Resolution Regarding the N.A.A.C.P. and the San Francisco Unified School District Consent Decree. A full copy of the Resolution is attached to these Minutes. The vote was: Ayes: Commissioners Chung, Jung, Lyon, Sevilla, Wade, Weiner, Yamakawa (7), with Commissioner Morrissey voting No, saying, "Because I don't agree we should be an independent monitor. I agree with the rest of it."

Note: Commissioner Soler had excused herself from the meeting before action was taken on this proposed Resolution and the final vote.

NEW MATTERS

- Death of Commissioner Robert D. Edwards.

Director Mickins formally announced the death, on September 21, 1983 by a heart attack, of Commissioner Edwards, who had first been appointed to the HRC May 21, 1980.

A formal letter of condolence was sent September 22 to Mrs. Edwards on behalf of the HRC, and Director Mickins offered a formal Resolution in Tribute to Commissioner Robert D. Edwards, 1928-1983 (written by Jack Casford), which the HRC

****voted unanimously to adopt and forward to Mrs. Edwards.

Many of the members of the HRC and staff attended the funeral services for Commissioner Edwards held at 1 PM that day at The Providence Baptist Church.

- Conference on Cross-Cultural Issues for Professionals.

Commissioner Wade announced that she will be sending invitations to each member of the HRC to a three-day conference that will be held October 28, 29, and 30 at the Unitarian Center, First Unitarian Church, Franklin and Geary.

OLD BUSINESS

- Public Hearings on Hiring Practices by Lesbian and Gay Business.

Commissioner Sevilla announced the schedule of these meetings:

Monday, November 7 and 21, from 5:30 to 9:00 PM in Room 1194, of the State Building, on McAllister Street facing the Civic Center.

These hearings are in response to a presentation at the HRC regular meeting September 15, 1983 by two spokespersons for Black and White Men Together and a Task Force on Racism in the Lesbian/Gay Community, who asked that the HRC convene them on the issue of alleged discriminatory employment practices based on race of Lesbian/Gay businesses, particularly those where the community socializes, bars, restaurants, etc.

Commissioner Sevilla said the hearings initially hope to encourage the community to provide information for an assessment of the extent of the problem of the allegations of discriminatory hiring practices.

These hearings, Commissioner Yamakawa reminded the Commissioners, are to be conducted by the full HRC, and will require a Quorum.

Commissioner Sevilla also stressed that the spokespeople on September 15 had tried for nearly two years to obtain cooperation within the community regardingthe perceived problem of alleged hiring discrimination, and that they had appealed to the HRC for these hearings partially out of frustration over failure to note any change in the situation.

CALENDAR MATTERS"

- The next regular meeting of the HRC will be Thursday, October 13, 1983, at 10:15 AM in Third Floor Commission Room of the Main Library. The Commission Room must be vacated on that day at Noon for another previously-scheduled meeting.

STANDING COMMITTEES

Employment	Thursday, October 6, 1983 9:30 A.M. 1860 Mission Street
Lesbian/Gay Advisory	Thursday, October 27, 1983 5:30 PM 33 Gough Street First Floor , Auditorium

Housing and Urban Development	To be announced
Social Issues and Police Liaison	Tuesday, October 11, 1983 3:00 PM Joe Jung's Restaurant Fifth and Market Streets
Youth and Education	Tuesday, September 20, 1983 3:30 PM State Building, Room 1202 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attachment #1

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION REGARDING THE N.A.A.C.P. AND THE
SAN FRANCISCO UNIFIED SCHOOL DISTRICT CONSENT DECREE

WHEREAS, the Human Rights Commission has long been supportive of the integration of all city schools, from kindergarten through grade 12; and

WHEREAS, since 1970, it has communicated its support by means of public statements (1971) and a formal Resolution Urging Planning for Secondary School desegregation (1973); and

WHEREAS, because of a lawsuit filed by the National Association for the Advancement of Colored People challenging certain practices of the San Fransico Unified School District and seeking court action to desegregate more fully the schools and provide equal access to programs and facilities of the School District, had been pending in the United States District Court for the Northern District of California since 1978; and

WHEREAS, on the 30th day of December, 19.2, Plaintiffs (San Francisco National Association for the Advancement of Colored People) reached an agreement whith Defendants (the San Francisco Unified School Districe, the State Department of Education, and officers or members of their governing boards) to settle the case based on the terms of a Consent Decree; and

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission:

1. Urge that the United States District Court take such action as will require for the reopening of Charles Drew School with a ratio of ethnic student population as defined in the Consent Decree with an enhanced program;

2. Request that the National Association for the Advancement of Colored People, the San Francisco Unified School District, and the State Department of Education work closely with all communities to implement the Consent Decree and keep parents fully informed; and

3. Request that Judge William H. Orrick, United States District Judge, Northern District of California, appoint the San Francisco Human Rights Commission as the independent monitor to oversee the day-to-day implementation.

##########

Resolution 7-83

Adopted by the Human Rights Commission 9/27/ 83

Attachment # 2

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION IN TRIBUTE
TO THE MEMORY OF COMMISSIONER ROBERT D. EDWARDS
1928-1983

WHEREAS, Commissioner Robert D. Edwards served as a dedicated, loyal, and conscientious member of the Human Rights Commission from May 21, 1980; and

WHEREAS, Commissioner Edwards during his tenure with the Human Rights Commission gave fully and extensively of his talents and his judgement to its work, first as Co-Chairperson of the Employment Committee, and, for the past two years, as Co-Chairperson of the Social Issues and Police Liaison Committee; and

WHEREAS, Commissioner Edwards was a pivotal figure in this community, a trustee of The Providence Baptist Church, the President of Ship Scalers and Painters Union, International Longshoremen's and Warehousemen's Union, Local #2, and

WHEREAS, the Human Rights Commission knew Commissioner Edwards not only as a highly-skilled professional, but as a warm, hospitable, and amiable colleague and companion; and

WHEREAS, the loss of Commissioner Edwards is deeply and profoundly felt by all Commissioners and HRC staff alike;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission pay formal and offical tribute to Commissioner Robert D. Edwards, for his unselfish devotion to its work, and tender its heartfelt condolences to his wife, Mrs. Lucille Edwards, and his family.

Resolution 8-83
Adopted by the Human Rights Commission
September 27, 1983

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9/13/83

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, October 13, 1983
Commission Room, Main Library
10:15 A.M.

DOCUMENTS DEPT.

OCT 31 1983

SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, October 27, 1983
TIME: 10:15 A.M. to 1 P.M.
PLACE: Commission Room, Third Floor
Main Library, Civic Center

NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: George Suncin

- Commissioner Antonio Grafilo, a member of the HRC since March 18, 1976, resigned September 26, 1983 by letter to Mayor Feinstein. See Communications.

Staff:

Present: Grant S. Mickins, Bettye A. Burrell, Beatrice Cardenas-Duncan, Jack Casford, Bayard Fong, Don Hesse, Stanley Lim, Richard Norton, Clemente Obregon, Pansy Ponzio-Waller, Gail Roberts, Essie Thomas.

Pledge of Allegiance

Minutes of September 15, 1983 approved.
Minutes of Special Meeting September 27, 1983 approved.

COMMUNICATIONS

- From Charles T. Manatt, Chairman, Democratic National Committee, appointing Chairperson Phyllis Lyon to the Arrangements Committee for the 1984 Convention to be held July 16-19 in San Francisco.

- From Lt. Tim Thorsen, Commanding Officer, Community Relations Unit, San Francisco Police Department, to Commissioner Sevilla, responding to his inquiry about a video tape of the City Hall Riots which was shown at a Community Relations meeting in the Ingleside District August 16, 1983.

- From Commissioner Antonio Grafilo, a copy of his formal letter of September 26, 1983 to Mayor Feinstein resigning from the HRC.

- From Beverly A. Rashidd, Deputy Director for Program, Young Women's Christian Association, to Commissioner Wade, invitng her to be part of a small task force to help get funding for the gymnastics program for girls at the Western Addition Center.

- From State Senator John Seymour, to Chairperson Lyon, responding to her concerns about Assembly Bill 1, which seeks to prohibit discrimination in employment on the basis of sexual orientation Statewide.

- From Calvin Hayes, President, Business Development Inc., requesting the HRC to increase Minority Women Business Enterprise goals on the Southeast Community Facility Project.

- From Mayor Feinstein (See Director's Report), a formal notification that the HRC Request for Funding under the 1984 Community Development Program is recommended for funding in the Preliminary Proposal for $150,000, $75,000 each to the Fair Housing and Contract Compliance components.

- From Mayor Feinstein, inviting Director Mickins on behalf of the Mayor's Fiscal Advisory Committee to attend an October 20 luncheon at the St. Francis Hotel where the Managerial Excellence/Efficiency Awards will be presented.

- From Mayor Feinstein, a copy of a letter to her (and her response) from Richard Clinkscales, Director, Office of Small and Disadvantaged Business Utilization, U.S. Department of Health & Human Services, regarding the federal Minority Business Enterprises Program. Director Mickins was asked to respond to Mr. Clinkscales giving further details of the San Francisco Minority/Women Business Program.

- From Judith A. Boyajian, Deputy City Attorney, a copy of an Order from the Superior Court of California, Department 7, filed September 22, 1983, denying preliminary injunction in the case of Service Employees International Union, Locall 77, SEIU, AFL-CIO, et al., (Airport Janitors), v. the City and County of San Francisco. See Director's Report.

- From Stuart E. Patt, President, San Francisco Delinquency Prevention Commission, a copy of announcement of a Part-Time Staff Assistant position for the Delinquency Prevention Coordination Council (Civil Service classification 1840 Junior Management Assistant.) Applications to close October 20.

DIRECTOR'S REPORT

- Amendment to Chapter 12A 4 (a) of the Administrative Code-Commissioners' Fees.

This amendment has been approved by the Board of Supervisors. The reimbursable per-meeting stipend of HRC members is raised from $15 to $25.

- Janitors at the Airport Case.

See Communications (From Judith A. Boyajian). Judge Donald B. Constine, Judge of the Superior Court, denied the request for a preliminary injunction as sought by Local 77 (for the janitors at the Airport) on the grounds that the plantiffs had not exhausted their administrative remedies. Director Mickins said the City Attorney's office has advised him that the issue as far as the City is concerned is closed for the time being. The HRC is continuing its administrative process in scheduling a hearing on the appeal to its original Finding of April 13, 1983 that World Services, Inc., a subcontractor to three airlines, was an "irresponsible bidder."

- Office of Community Development Funding to HRC.

The HRC was notified September 30, in two separate formal letters from the Mayor, that its Request for Funding under the 1984 federal Community Development Program had been granted in the amount of $75,000 each for the Fair Housing component (two professional staff and clerical support), and the Contract Compliance component (three professional staff and clerical support).

The HRC had sought $85,000 for the Fair Housing component, and $94,000 for the Contract Compliance component. Mr. Mickins said that the funding as granted for the Fair Housing work is sufficient, but that he has asked James H. Johnson, Executive Director of the OCD, to reconsider an adjustment of the Contract Compliance funding upward in view of the fact that the HRC contract monitoring obligations have virtually doubled.

- Double-O Trucking Company Appeal Hearing Findings.

A meeting date will be set in the near future to finalize this appeal decision.

STANDING COMMITTEES

ADMINISTRATIVE
Commissioner Brenda Wade, Co-Chairperson

- Recommendations re: Report and Findings in the Investigation into Minority and Woman-Owned Business Participation in City Contracting Pursuant to Board of Supervisors Resolution 952-82.

Commissioners were provided copies of Draft #3, "Investigation into Minority and Women Business Participation in City Contracting-Abridged Edition: Volume II," and a "Proposed Amendment to San Francisco Administrative Code (adding) Chapter 12D(an ordinance entitled "Minority and Women Business Utilization Ordinance").

Commissioner Wade reported that the Administrative Committee had met October 7 and that its discussions had included input of concerns, additions, and corrections to the Draft #3 of the Abridged Edition: Volume II and the Proposed Amendment.

Director Mickins said that the Committee had factored in all the concerns that had been expressed earlier, in addition to some subsequently received from Mr. Sam Norman, Counsel to the Black Chamber of Commerce, and Ms. Eva Jefferson Paterson. Memoranda from them to Mr. Mickins were in the Commissioners' circulating correspondence file at this meeting.

He said that at this point the Committee felt that it had met substantially all the concerns that had been made known to it by parties which had reviewed the material. Some clerical errors and other technical changes remain to be attended to. He said he recommended that the HRC at this meeting adopt the Report and Findings and the Proposed Amendment, subject to the minor changes the Administrative Committee or staff could be authorized to make, so they could be forwarded to the Mayor and Board of Supervisors for action.

At this point Commissioner Wade moved that the Proposed Amendment ("the draft") be adopted.

- Commissioner Morrissey said he felt that it was out of order to take up adoption of the Proposed Amendment before adoption of the Report and Findings on which it is based.

- Commissioner Wade then withdrew her motion, and moved that the HRC adopt the Report and Findings. It was seconded by Commissioner Soler.

Noting that Commissioner Chung had submitted statistical material with the recommendation that it be included in the Report(s), Director Mickins pointed out that the Commissioner's figures included subcontracts, which are not let by the City but rather by prime contractors. He pointed out that the Abridged Edition, Volume II, does include a paragraph on subcontracts.

- Commissioner Morrissey stated that he felt that the HRC Report and Findings should have "balance" in the presentation of the status of MBE/WBE contract participation as the HRC hearings and evidence brought out, rather than to"...shrilly yell ' We need more contracts.'".

He said he felt it important to state, not in the Proposed Amendment but the Report and Findings, that there is no official City government policy of discrimination against MBEs and WBEs. He said there was no evidence demonstrated to him that there were any City officials acting in that manner, but that statistics do reflect past societal discrimination.

- Commissioner Soler stated that the Proposed Amendment statement (Finding) that there is no overt City policy of discrimination was removed by the Administrative Committee, and she noted that she and others had received a memorandum from Eva Jefferson Paterson stating her belief that if the HRC were to use this statement (that there is no overt discrimination City policy) in the Proposed Amendment (what many at this meeting called "the ordinance") it would in fact pose difficult constitutional problems, and put the ordinance in conflict with a landmark Supreme Court decision (Fullilove v. Klutznick, 1980), upholding MBE set-asides. The Commissioner read Ms. Paterson's statement verbatim and asked that it be made a part of the discussion records.

Chairperson Lyon noted that Messers James Jefferson, President, and Samuel Norman, Counsel of the Black Chamber of Commerce, concurred with Ms. Paterson's position.

Director Mickins addressed himself to this issue by saying that it was felt that the Report and Findings should state what the HRC did find rather than what it did not find. And what it did find, he said, is that there has over a period of many years been de facto exclusion of minority and women business enterprise participation in City contracts. He noted that there were numerous allegations by persons testifying at the hearings claiming purposeful exclusion.

Commissioner Morrissey continued to press his point that if the HRC had in fact heard or found evidence that indicates that present individuals in City government are discriminating, then it should be reported to the Mayor and the Chief Administrative Officer for followup action.

Director Mickins responded that it is virtually impossible to prove intent by any official, but that there was testimony as he had stated of the persistence of a low percentage of contract awards to minorities and women over a long period of time.

Commissioner Moulton read verbatim from a letter to her from C. Mackey y Salazar, a minority contractor, describing his firm's difficult experience in bidding for a City construction contract.

Director Mickins said the account in Mr. Mackey y Salazar's letter was similar to other incidents experienced by minority firms, indicating that at the very least there is a terrible lack of consistency in the way some City departments conduct the bidding process. "There is a strong feeling in the minority community," he said, "that they have been (intentionally in some cases) excluded. An overwhelming number have been excluded just through the process being structured as it is to not take them into consideration."

It was then

*****m/s/c to adopt the Report and Findings (Comprehensive Edition and Abridged Edition). The vote was : Ayes: Ambrogi, Chung, Jung, Lee, Morrissey, Sevilla, Wade, Weiner, Yamakawa. No: Moulton. Passed 9-1.

Commissioner Moulton stated that she still had some questions on the material.

- Commissioner Morrissey announced that he wished to make a statment to accompany the Report and Findings. Roberts Rules of Order were read regarding Minority Reports.

- Commissioner Soler, noting that the request by a Commissioner to submit or attach a minority statement/report to an adopted document had not occurred before at the HRC, suggested that the Administrative Committee consider setting a policy that would cover such a situation.

It was then (Ambrogi)

*****m/s/c that if Commissioner Morrissey wishes to attach a minority report to be included in the Report and Findings, the HRC agree to do so.

Ayes: Ambrogi, Chung, Jung, Lee, Morrissey, Moulton, Weiner, Yamakawa.
Noes: Lyon, Sevilla, Soler, Wade. Passed 8-4.

Director Mickins read from the HRC Rules and Regulations, Rule 14, Reports and Public Statements, stating,..."Any member of the Commission may file and have publisheda minority report in which any other members may join such minority report shall be published concurrently and as a part of the document containing the majority report."

Both Chairperson Lyon and Commissioner Soler noted that the HRC did not know the nature or text of Commissioner Morrissey's minority statement/report.

Commissioner Moulton announced that she intends also to write a minority report.

Dicussion then was opened on adoption, as recommended, of the Proposed Amendment (remedial legislation) to the San Francisco Administrative Code (adding) Chapter 12D.

There were some minor word changes and additions in the text requested by Commissioners agreed to, and then Commissioner Chung read a statment that he wished to have incorporated in the Proposed Amendment, relative to statistics on minority/women business enterprise past participation in City contracts. He wished, he said, to have the statistics on subcontracts included in the percentage amount cited, which would bring the 2.8% figure cited up to 9%. There was considerable debate on this point, with Commissioner Wade pointing out that the HRC hearings had provided testimony that in fact when minority and women-owned firms were hired as subcontractors sometimes they were dismissed from projects, or that they were not used in the projects, though showing on the books as MBE/WBE components. "To say that we have participation at that level (9%), "she said, "is inaccurate."

Commissioner Soler joined Commissioner Wade on this point, saying that the two figures (2.8% vis à vis 9%) were very different, and that it would be a mistake to combine them.

Commissioner Chung's stance was reconciled when it was

*****m/s/c that the clause "exclusive of subcontracts" (underlined) be inserted in the text of the Proposed Amendment, Section 2. FINDINGS.3. to read, "That the indepth review of leases and other agreements by City departments reveals that Minority Business Enterprises (MBEs and Women Business Enterprises (WBEs) recieved less than three percent (2.8%) of all prime contracts, exclusive of subcontracts, awarded during the period of 1981 and 1982." The vote was unanimous.

At the initiative of Commissioner Sevilla, it was

*****m/s/c to insert a clause (underlined) as follows in the Proposed Amendment, Section 14 MONITORING, REPORTING AND COMPLIANCE (G) to read, "Whenever the Director finds after investigation that a contract awarding authority has failed to comply with the provisions of this ordinance, a written finding within a specified time period specifying the nature of the non-compliance shall be transmitted to the contract awarding authority and to the Commission; and". The vote was unanimous.

On the initiative of Commissioner Soler and Sevilla, and after discussion around the table, it was

*****m/s/c to raise the Utilization Goals (Section 7. Proposed Amendment, Section 7. UTILIZATION GOALS (A) from not less than twenty-five percent (25%) for minority business enterprises to not less than thirty percent (30%) and from not less than five percent (5) to not less than ten (10%) percent for women business enterprises as City and County-wide annual goals.

The vote was: Ayes: Ambrogi, Chung, Jung, Lee, Lyon, Moulton, Sevilla, Soler, Wade. Noes: Morrissey, Weiner, Yamakawa. Passed 9-3.

- The motion of Commissioner Morrissey to delete in the Amendment, Section 6. POWERS AND DUTIES. (A) 3. "(the HRC shall:) have the right to levy sanctions" failed for lack of a second.

- Commissioner Morrissey moved that when the HRC adopts any proposed legislation, that it be adopted with the understanding that it will go to the City Attorney for review. This motion failed to obtain a second.

Director Mickins said that the HRC will submit a copy of the Proposed Amendment to the City Attorney simultaneously with its submission to the Board of Supervisors.

It was then

*****m/s/c that the HRC adopt the Proposed Amendment to the San Francisco Administrative Code (adding) Chapter 12D, an ordinance to be entitled the "Minority and Women Business Utilization Ordinance."

The vote was unanimous. Commissioner Morrissey stated he voted Aye on the substance but that he believes "the Proposed Amendment is not in a shape to be passed

by the Board of Supervisors unless it is reviewed by the City Attorne satisfactory form".

Due to the requirement that the HRC adjourn at Noon to accomodat rary Commission meeting scheduled for the Commission Room, the Emplc mitte· items and Lesbian/Gay Advisory Committee agenda items were pos

NEW MATTERS

- Commissioner Corrine Lee was appointed by Chairperson Lyon as Cc of the Employment Committee.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, October 2' 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, November 3, 1983 9:30 AM 1860 MIssion Street, Second Floor
Lesbian/Gay Advisory	Thursday, October 27, 1983 5:30 PM 33 Gough Street First Floor, Auditorium
Housing and Urban Development	Tuesday, October 25, 1983 3:30 PM , Room 509 HRC Offices
Social Issues/ Police Liaison	Tuesday, November 15, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
Youth and Education	Monday, October 24, 1983 3:30 PM State Building, Room 1157 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

SF
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#2
10/27/83
C2

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, October 27, 1983
Commission Room, Main Library 10:15 AM

An Executive Session was held from 8:30 AM to 10 AM at the HRC Offices 1095 Market Street (Double-O Appeal Hearing) before this regular HRC meeting.

NEXT MEETING

DATE: Thursday, November 10, 1983
TIME: 9 AM
PLACE: State Building, Room 1200
350 McAllister Street, Civic Center

THE MEETING SCHEDULED FOR NOVEMBER 10 AT THE MAIN LIBRARY IS MOVED TO THE ABOVE LOCATION BEGINNING AT 9 AM.

NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committees meetings.

DOCUMENTS DEPT.
NOV 14 1983
SAN FRANCISCO
PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: Phyllis Lyon, (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, John C. Morrissey, Joan Zamora Moulton, Richard Sevilla, Esta Soler, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: George Suncin

Staff:

Present: Grant Mickins, Bettye Burrell, Beatrice Cardenas-Duncan, Jack Casford, Don Hesse, Stanley Lim, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather, Essie Thomas, Jackie Winnow

Maria Santiago and Bob Du Wors, interns to Lesbian/Gay Advisory staff.

Pledge of Allegiance

Minutes of October 13, 1983 approved, with two corrections:

1. Page 4, sixth paragraph, on the motion to adopt the MBE/WBE Report and Findings, the vote should read: "Ayes: Ambrogi, Chung, Jung, Lyon , Lee, Morrissey, Sevilla, Soler, Wade, Weiner, Yamakawa. No : Moulton. Passed 11-1."

   The corrections are underlined. The names of Commissioners Lyon and Soler were inadvertently omitted, and the vote was 11-1 not 9-1.

2. Page 5, fourth paragraph, the first sentence should read:

   "At the initiative of Commissioner Moulton..," not Sevilla,

- Commissioner Chung requested the insertion of a clause,(Page 5, first paragraph, line six) after "...the 2.8% figure cited up to 9%, with a certain percentage of subcontracts included for the evaluation as a condition for awarding the prime contracts."

COMMUNICATIONS

- From Mrs. Lucille Edwards, accepting with deep appreciation the condolences of the Human Rights Commission to her on the passing of Commissioner Robert D. Edwards September 21, 1983, and for the HRC's formal Resolution in Tribute to him.

- From Anni Chung, Executive Director, and Yvonne Lee, Housing Specialist, Self-Help for the Elderly, thanks to HRC for its support of an application for funds (for a housing project) from the U.S. Department of Housing and Urban Development. Ms. Chung said that although the funds were not obtained, Self-Help continues to seek support to get construction underway.

- From Samuel A. Norman, Attorney at Law, a copy of his letter to Mayor Dianne Feinstein, regarding Minority and Women Business Enterprise participation in Democratic convention contracting activities. The convention will be held in San Francisco in July of 1984. Mr. Norman is general counsel for the San Francisco Black Chamber of Commerce.

- From Harold T. Yee,President, Asian Inc. , a copy of his letter to Roger Boas, Chief Administrative Officer, expressing concern over the "utilization of minority businesses in the procurement of design and construction services for the facilities, as well as the concessions" at the Democratic national convention in 1984.

- From Michael E. Robinson, Robinson Elevator Co., a copy of his letter to Jeffrey Lee, Director of the Department of Public Works and the Clean Water Program, seeking postponement of the re-bid of the Elevator Replacement (project) #4545-A, Francis Curry Center.

- To Henry Der, Executive Director, Chinese for Affirmative Action, from Commissioner Moulton, requesting appointment of a replacement for Bayard Fong as a member of the HRC Social Issues and Police Liaison Committee. Mr. Der appointed Robin Wu to this membership post.

- From Margaret Brodkin, Executive Director, Coleman Children & Youth Services, a form letter inviting the HRC to join community people in honoring Jean Jacobs, for many years active in numerous agencies, commissions, and boards involved in youth services in the City. The Coleman agency will sponsor a reception on November 16, at the Golden Gate Yacht Club (foot of Scott Street), from 6 to 8 PM and the HRC was invited to submit a written testimonial to the occasion and Mrs. Jacobs. See New Matters section of these Minutes.

DIRECTOR'S REPORT

- HRC Staff to be Based at Port Commission.

By agreement between the HRC and the office of the Port Commission, Vicky Rathbone, HRC Contract Compliance Officer, will be based in the Port Commission offices for monitoring of contracts in the future. The HRC already is represented at San Francisco International Airport by Julie Yim in the same capacity.

- MBE/WBE Report, Findings, and Proposed Ordinance.

The final minor typographical corrections in this material have been made and several advance copies have been submitted to the Mayor and to the Board of Supervisors. Printing of several hundred copies of the material will take ten days to two weeks.

Director Mickins said that he has been invited to meet, along with members of the HRC, in the Mayor's Office at 3 PM on this date with Deputy Mayors Hadley Roff and James Lazarus for a preliminary briefing, in preparation for the Mayor's expressed desire to meet with Director Mickins and available members of the HRC later for a discussion of the implications of the Report, Findings, and Proposed Ordinance.

- HRC Meetings in November (See under Lesbian/Gay Advisory Committee and Calendar Matters).

- Public Hearings on the Employment and Hiring Practices of Lesbian/Gay Businesses will be held Monday November 7 and 21, from 5:30 to 9 PM in Room 1194 in the State Building, 350 McAllister.

- The HRC regular meeting scheduled for November 10, 1983 at 10:15 AM in the Main Library Commission Room has been moved to 9 AM in Room1200 of the State Building, 350 McAllister.

- There will be no fourth-Thursday regular HRC meeting, as that day is Thanksgiving Day, a legal holiday.

REPORT FROM THE CHAIRPERSON

- Meeting with the Mayor October 25, 1983

Chairperson Lyon attended this meeting which included the chairpersons and heads of all City boards and commissions.

In addition to discussion of the projected new sports stadium in San Francisco, the Mayor, according to Chairperson Lyon, expressed deep concern over nonattendance by members of commissions who are invited to public functions. The Mayor stressed that she expects these members to respond to these invitations and make every effort to attend, as part of the duties of an appointed commissioner.

A number of the Commissioners present commented that they receive Mayoral invitations too late to be able to attend, sometimes just the day before, sometimes the day itself, and sometimes after the event has occurred. Several said that if invitations are sent to their place of business rather than their residence a delay might occur.

***Commissioner Ambrogi suggested, and his colleagues concurred, that Director Mickins draft a Memorandum to the Mayor informing her that the attendance issues had been discussed, that the above comments had been made, and that they "take her request seriously."

- Commissioner Moulton asked Director Mickins to send members a calendar of November HRC events that they should be preparing to attend.

STANDING COMMITTEES

- It was agreed unanimously that the Agenda order be changed to permit the Lesbian/Gay Advisory Committee report to be first.

LESBIAN/GAY ADVISORY
Commissioners Richard Sevilla and David K. Yamakawa Jr.
Co-Chairpersons

- Committee Report.

1. Public Hearings November 7 and 21.

Commissioner Sevilla distributed copies of handbills/announcements and a News Release (for November release) announcing these hearings to study employment practices of the San Francisco Lesbian/Gay community, specifically relating to race, color, national origin and ethnicity. The November 7 hearing will deal primarily with bars, restaurants, cabaret/nightclubs, hotels and organizations, both community and business-based. The November 21 hearing will focus on gyms, bathhouses, and other businesses such as sales and the professions.

Commissioner Sevilla stated that the hearings are not intended to infer that discrimination exists in the Lesbian/Gay community any more than in the straight community, and pointed out that the hearings had been requested formally by representative of the San Francisco chapter of the International Association of Black and White Men Together and the Task Force on Racism in the Lesbian/Gay community at a regular meeting of the HRC September 15, 1983. He stressed that a quorum is essential for the HRC to be able to hold these hearings, and he counseled that the issue of homophobia will be a particularly sensitive one at the hearings, and that some persons may testify about other, somewhat different, but tangent issues. Mr. Sevilla also said the Committee is making a survey of Lesbian/Gay businesses in an effort (by asking for submission of confidential workforce breakdown reports) to obtain some aggregate statistical data. He said that the Committee had met with the Golden Gate Business Association, the Tavern Guild, Black and White Men together, and the Task Force on Racism.

The hearings are being publicized in the Lesbian/Gay and minority press.

The contributions of Maria Santiago, Bob Du Wors (interns) and Ted Robinson to the planning for the hearings were noted. Ms. Santiago and Mr. Du Wors were present, with Jackie Winnow of the HRC staff.

2. "White Night Riots" Video Film

Commission Sevilla reported that the Committee had voted at its September 22, 1983 meeting to contact Police Chief Cornelius Murphy regarding complaints that a video film called "White Night Riots" had been shown recently at a Police Community Relations Unit public meeting in the Ingleside District without commentary. The video film consists of television coverage of confrontations that took place in the Civic Center and on Castro Street the night of May 21, 1983, when it became public knowledge that Dan White, convicted of the murders of Mayor George Moscone and Supervisor Harvey Milk had received a sentence of seven years' imprisonment. Lt. Tim Thorsen, in charge of the Police Community Relations Unit, had responded to Commissioner Sevilla that the film had been used as a "filler."

The Committee, Commissioner Sevilla said, then took the above action, seeking to have the Chief set a policy to follow for the showing of this film at public meetings by the Police Department.

3. AIDS Film Producers' Project

Three film producers are soliciting endorsement of the concept of a project to produce a documentary film on the issues surrounding Acquired Immune Deficiency Syndrome (AIDS). The Committee voted to defer its endorsement decision until further documentation is received from these producers.

- "Making Contact "Conference-Commissioner Wade.

The Commissioner earlier had announced this conference (to focus on the ways in which cultural differences shape human interactions) to the HRC for October 28, 29, and 30. She announced at this meeting that those dates have been cancelled, and that it will be held in January, dates to be set at a later time.

- Commissioners Wade and Lee were excused from the meeting at this point, approximately 11 AM.

Executive Session

- At 11:02 AM the HRC went into Executive Session in order to finalize the Finding of the HRC Double-O Trucking Company Appeal Hearing Panel, which had met at 8:30 AM on this date at the HRC Offices to deliberate.

At 11:20 AM the Executive Session adjourned and the regular HRC meeting reconvened. Chairperson Lyon announced that the Panel (Commissioners Chung, Jung, Lee, Lyon, Morrissey, Moulton, Sevilla, Soler, and Yamakawa) had voted unanimously to uphold the Director's Finding of August, 1982, upholding the complaint filed by John Jenkins Trucking that Double-O Trucking Company is not a bona fide Minority Business Enterprise. Commissioner Edwards died September 21, 1983 before the final decision. Appeal hearings began in January (27), 1983, and were held in February, March, and April, with a final deposition May 11.

Commissioner Soler commended especially Commissioners Lee, Jung, and Yamakawa for their pivotal role in completing the Panel's work on this case.

EMPLOYMENT

Commissioners Esta Soler and Corinne Lee, Co-Chairpersons

- It was announced (see New Matters) that Mary Gin Starkweather will replace Vicky Rathbone as staff to the Employment Committee.

- Employment of Minorities and Women in City-Funded Construction Contracts for (Calendar) Year Ending December 31, 1982. - Stanley Lim.

This was the 17th in a series of reports on the employment status of minorities and women in City-funded construction ontracts, all of them made by Mr. Lim. The report is the means by which the HRC keeps the public informed of its compliance activities on all on-going contracts awarded by the City's departments. The report consisted of three parts: a narrative section giving the source for the report data and summary highlights, with supportive statistical tables; an analysis, by City departments, of the contracts awarded, giving comparisons in numbers and percentages of workforces; and other compliance activities, citing the "defunding" of longtime and valuable outreach service organizations such as the Recruitment and Training Program (formerly the Apprenticeship Opportunities Foundation) and the Women in Apprenticeship Program. HRC enforcement means to enforce compliance, an outlook for 1983, and a formal conclusion.

Mr. Lim, who prepared and wrote most of the report, paid tribute to the contributions also of his colleagues Linell Harden, who furnished data on the Mayor's Office of Community Development contracts, and Julie Yim, who provided the analysis for contracts at San Francisco International Airport.

Among the supportive statistics were major tables giving the summary of All Crafts for All Projects, for the Department of Public Works, (9 contracts, $12 million), the Clean Water Program (5 contracts, $115 million), the Airports Commission (7 contracts, $62 million), the Office of Community Development (85 contracts, $10 million), and the Port Commission (2 contracts, $1.5 million).

Mr. Lim went through the report chronologically in discussion, pointing out and expanding somewhat on some of the highlights, which included:

1. In marked contrast to recent years, when a large number of major contracts was awarded, 1982 was one of the lowest years in terms of contracts awarded. The total work hours reported were 2.5% below the figures in 1981; minority work hours declined by 4.8%.

2. Female participation continues to be very minimal, as evidenced by a sampling from the statistics showing that in the ethnic distribution of the total workforce in percentages of workhours, White males had 59%, White females, 1.2%; Hispanic males, 17%; females 0.3%; Black males 15%, females, 0.4%; Asian or Pacific Islander males, 5%, females, 0.1%, and Filipino males 0.1%, females, 0%. Mr. Lim said that the utilization of females does not match up to the general availability in the labor force, as well as for Hispanics and Blacks. The most underutilized groups, indeed, he said, are Asian and Pacific Islanders (including Filipinos) in addition to females.

It was pointed out during Mr. Lim's presentation that figures showing changes in 1982 from 1981 in terms of the movement of workers in the overall participation were in percentage points e.g., "American Indian or Alaskan Native male workers gained 1%, to 4% (this is a gain of one percentage point), while their female counterparts showed the greatest gain, a 9% increase to 13% from 4%." This actually, Commissioner Morrissey pointed out, means a percentage point increase of 250%, or two and a half times.

Mr. Lim said that generally the HRC considered minority participation of 40% or above in a contractor's reported workforce as "significant." He said that the statistics showed that 12 of 25 trades (compared with 11 out of 18 in 1981) had met or exceeded the required employment goals for minority groups as established by the 1982 version of the HRC Affirmative Action Program for Construction Contracts. For females, however, none of the reported trades were in compliance with the goal of 7%-9%; only 8 trades showed from 2% to5% female participation. Seventeen trades showed no female participation at all.

Mr. Lim made special mention of the serious impact on minority and women employment by the loss of funding for two minority and women/apprenticeship services: the Recruitment and Training Program (formerly the Apprenticeship Opportunities Foundation), and Women in Apprenticeship. These two organizations

had been responsible for the indenturing of more than a thousand apprentices during their active years. Without these two organizations' training and support counseling services, he said, it has become extremely difficult for some minorities and women to seek work as apprentices with City contractors, and he attributed the decline in the figures for these apprentices in relationship to all apprentices to the loss of these two organizations. For example, the current minority male apprentices accounted for 41% of all apprentices, and women for 9% of the total in 1982, compared with 60% minority males and 15% females in 1981.

The Lim report also showed the steps HRC staff members take in enforcing compliance with employment goals: review of monthly workforce reports; warning letters if deficiences are found; and, after unsuccessful attempts to resolve differences, filing of formal complaints. In 1982, he said, the staff issued 38 complaints or warnings of noncompliance.

Mr. Lim said that it appears that for calendar year 1983 the total workforce figures will be below those for 1982, and that the pace for contract awards by all City departments is only slightly ahead of 1982.

In his conclusion, Mr. Lim again stressed that the continued decline in City-funded construction activities most disaffects minority and women workers, and that there is a strong correlation between their participation and the size and number of active contracts. He noted once more that in 1982 there was a general decline in minority participation in all measured ares: total work hours, fewer trades meeting established minority employment and apprenticeship goals, etc.

Asked by Commissioner Chung why there is such poor participation by Asians in apprenticeship programs, Mr. Lim said there were many reasons, including: lack of historical Asian participation in construction trades because of past discrimination; difficulty of immigrants in passing apprenticeship examinations; parental pressures favoring other work occupations; low rentention rate; and the lack of stability (that is its part-time, or periodic nature) in construction work.

Commissioner Moulton commented that she felt Mr. Lim had done well to point the factors that were particular to an ethnic community that were significant in its employment participation.

It was

*****m/s/c that the HRC accept the report on Minorities and Women in City-Funded Construction Contracts for (the calendar) Year Ending December 31, 1982, with commendation to Mr. Lim for his work.

- Contracts Awarded by the San Francisco Community College District, January, 1982 through March 31, 1983 - Essie Thomas

Ms. Thomas said this was the fourth year that the HRC had monitored those contracts that the District reported it had let. Tables showed workforce breakdowns for ethnic and sex groups for each of three contracts: California Dental Service, U.S. Administrators Inc., and Lein & Quan.

Ms. Thomas said that when a workforce breakdown shows 50% minority and women participation, the HRC asks the firm to maintain that proportion.

Several Commissioners asked why only three contracts were shown as under HRC monitoring from the District.

It was noted that many contracts are let by the District through the City Purchasing Department, whereby the HRC would also know of their compliance. Some contracts are let independently by the Community College District Board, not through the City Purchasing Department.

Commissioners Sevilla and Moulton separately commented on the need to be aware of even the smallest contracts let, in order to get the full picture of the compliance performance in one report.

It was then

*****m/s/c that the HRC accept the report on Contracts Awarded by the San Francisco Community College District.

- Report on Certified Public Accountants- Essie Thomas

The report covered nine firms monitored by the HRC, covering the period March 31, 1982 through March 31, 1983.

For that period, these nine firms employed a total of 1,154 persons, 224 (19.4%) minorities, 489 (42.4%) White women, 106 (9.2%) Minority males, and 118 (10.2%) minority females.

This compares with the total for the period March 31, 1981 through March 30, 1982, of 839, broken down by Minorities, 140 (16.7%); Women, 371 (44.2%); Minority male, 66 (7.8%); and Minority female, 74 (8.8%).

Ms. Thomas reported that the HRC asks CPA firms to submit answers to a questionnaire showing their hires in the last 12 months, and their current workforce breakdown by position and ethnic group. Meetings then are held for the setting of goals at each occupational level (i.e., Manager, Senior Accountant, Senior Assistant Accountant, etc.) The HRC also asks that there be in-house promotional training.

Ms. Thomas's report also included detailed breakdowns showing workforces for the nine covered.

It was then

*****m/s/c that the HRC accept the Report on Certified Public Accountants and commend Essie Thomas.

SOCIAL ISSUES AND POLICE LIAISON
Commissioner Joan Zamora Moulton, Co-Chairperson

- Child Abuse Charges-Task Force Report.

Commissioner Moulton said the Committee continues to have a close interest in a report, due approximately November 1, by the Mayor's Blue Ribbon Task Force on the Youth Guidance Center, which is investigating a series of charges made by a community agency spokeperson, Ray Balberan, in the Spring, of instances of child abuse by personnel at the Juvenile Hall, Youth Guidance Center.

The Commissioner also said that the Committee continues to followup on issues brought out in its Public Hearings, the most recent of which was in the Bayview-Hunters Point area through the active assistance of the last Commissioner Robert D. Edwards.

YOUTH AND EDUCATION COMMITTEE
Commissioner Martin S. Weiner and Brenda Wade, Co-Chairpersons

- Committee Report.

The Committee has received some input, and is seeking more, on a proposal that there be formed a Commission on Youth & the Family as part of City government. It hopes to come to the HRC with a recommendation in the near future.

OLD BUSINESS

- English -Language Classes Availability.

Commissioner Sevilla was informed that Beatrice Cardenas-Duncan, staff for the Youth & Education Committee, is researching his request that there be a study of the availability in the City of English-language classes He said he had a report that would be helpful to that study.

Commissioner Moulton noted that the availability is shrinking because of the closing down of funding for such classes.

NEW MATTERS

- Commissioner Ambrogi's Trip to El Salvador.

The Commissioner announced that he will leave for El Salvador November 1 for a stay of approximately one week as one of a group committee attempting to obtain the release from government prison by Professor Ricardo Ernesto Calderon, Secretary General of the National University of El Salvador, and a member of the Latin American Federation of Journalists. He was arrested June 28, 1983.

Commissioner Ambrogi said his committee group will include a doctor, a lawyer, a journalist, and a university professor. He said they hope to meet with President Alvaro Magana, to convince him to release the professor and his family and permit them to come to San Francisco.

Members of the HRC expressed their hope for the success of Commissioner Ambrogi's mission and for his personal safety.

- Tribute to Jean Jacobs.

(See Communications)

On the initiative of Commissioner Yamakawa, it was

*****m/s/c that the HRC write a formal letter of tribute to Jean Jacobs, long involved in youth service activities in the Bay Area, to be sent to the November 16, 1983 reception being sponsored by Coleman Children & Youth Services.

Intergroup Clearinghouse Newsletter - Attached to these Minutes is a copy of the first Newsletter of the I.C.

CALENDAR MATTERS

The next regular meeting of the HRC will be at 9 AM, Thursday, November 10, 1983, in Room 1200, State Building, 350 McAllister (Civic Center, north side), for a hearing of the Show Cause Panel decision in the Skycaps case. This meeting time and date replace the previously-scheduled regular HRC meeting for 10:15 AM in the Commission Room of the Main Library.

- Chairperson Lyon urged all Commissioners to attend, as the HRC needs a quorum to convene the Show Cause Panel Hearing.

STANDING COMMITTEES

Employment	Thursday, November 3, 1983 9:30 AM 1860 Mission Street, Second Floor
Lesbian/Gay Advisory	Thursday, November 10, 1983 5:30 P.M. - 7:30 P.M. HRC Offices, Room 509 1095 Market Street (at Seventh)
Housing and Urban Development	To be announced
Social Issues and Police Liaison	Tuesday, November 15, 1983 3 P.M. Joe Jung's Restaurant Fifth and Market Streets

Youth and Education

Thursday, November 17, 1983
3:30 P.M.
State Building, Room 1200
350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Attachment

Grant S. Mickins
via Jack Casford

GSM:JC:bclp:ltn

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday November 10, 1983
State Building, 350 McAllister Street
Room 1200, 9 AM

NEXT MEETING

DATE: Thursday, December 8, 1983
TIME: 10 AM to Noon
PLACE: Commission Room, Third Floor
Main Library, Civic Center

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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committees meetings.

SPECIAL ORDER

1. Appeal from HRC Show-Cause Panel Decision October 7, 1983 Sustaining Director's Finding Of January 31, 1983 that the HRC has no jurisdiction in the case of Willie L. Bill Williams et al. (Skycaps) and Brotherhood of Railway and Airline Clerks, BRAC, AFL-CIO, Complaint versus various Airlines at San Francisco International Airport (American, Delta, and nine other respondents).

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Samuel Chung, Joe Jung, Corrine Lee, John C. Morrissey, Richard Sevilla, Esta Soler, George Suncin, David K. Yamakawa.

Excused: Thomas Ambrogi, Joan Zamora Moulton, Brenda Wade, Rabbi Martin S. Weiner.

THE ABOVE ARE THOSE PRESENT FOR THE SPECIAL ORDER APPEAL HEARING. THOSE PRESENT FOR THE REGULAR MEETING THAT FOLLOWED ARE THE SAME AS FOR THE HEARING WITH THE EXCEPTION OF COMMISSIONER MORRISSEY.

Staff: Grant S. Mickins, Jack Casford, Don Hesse, Eileen Gillis, Richard Norton, Clemente Obregón, Gail Roberts, Maria Santiago, Mary Gin Starkweather, Jackie Winnow.

No Pledge of Allegiance due to lack of a Flag.

SPECIAL ORDER

Chairperson Lyon convened the Skycaps Appeal Hearing at approximately 9:15 AM. The proceedings were recorded by a Court Reporter, Mr. Lowell Torno.

Representing the Appellants was Victor C. Thuesen. Representing the Respondents, Allied Maintenance Corporation, D. Ward Kallstrom. Representing the City Attorney's Office was Judith A. Boyajian. Ms. Margaret Edwards', attorney for Quantas Airways, was in the audience and did participate in the discussions.

Mr. Theusen began his remarks by requesting a continuance of the Hearing. He said that the night before his clients had agreed to withdraw their Appeal, but that at 7:30 AM this morning had decided to continue on the basis of the original Complaint against the employer, Allied Maintenance Corporation alone. He said that since the nine other airlines who are parties to the Complaint were not represented he felt a continuance was appropriate.

After discussion among the Commissioners it was

****m/s/c that the HRC deny the request for a continuance and proceed with the Hearing. The vote was 7-2 to deny. Ayes: Chung, Jung, Lyon, Morrissey, Sevilla, Suncin, Yamakawa. Noes: Lee, Soler.

Mr. Thuesen's presentation lasted until approximately 10:25 AM, when Mr. Kallstrom began his. Mr. Kallstrom ended his presentation on behalf of the Respondents at approximately 11. There ensued Commissioner commentary and questioning. Ms. Edwards, for Quantas Airways, was questioned by Commissioners Yamakawa, Chung, and Sevilla beginning at approximately 11. Ms. Boyajian began her presentation at 11:43.

The Hearing was closed by Chairperson Lyon at 12:07 PM. No date for a continuation was set at this time.

REGULAR MEETING

ROLL CALL --See beginning of these Minutes.

Minutes of the Meeting of October 27, 1983 approved.

COMMUNICATIONS

- From Mayor Dianne Feinstein, inviting Commissioner Joan Zamora Moulton, Co-Chairperson of the Social Issues and Police Liaison Committee, and Mr. Ray Balberan, of the Real Alternatives Program (RAP), to meet with Messers Rotea Gilford and Jim Gonzalez, of the Mayor's Office, to discuss her concerns regarding the Youth Guidance Center Task Force investigation of charges of child abuse instances made by Mr. Balberan. Commissioner Moulton had written October 19, 1983 to the Mayor concerning the Task Force and its report due on its investigation of these charges.

- From State Senator John Francis Foran, to Chairperson Lyon, stating the current status of Assembly Bill 1 (sexual orientation discrimination prohibition bill), which is pending before the Senate. Senator Foran is a co-author of AB 1, which passed the Assembly in the last Session.

- From Leo E. Borregard, Agency General Counsel San Francisco Redevelopment Agency, responding in detail to an October 6, 1983 letter from Paul D. Hardman to the HRC with allegations regarding the Redevelopment Agency in an issue Mr. Hardman had brought to it regarding"... the relationship between St. Boniface Church and the Agency's April 23, 1963 Agreement for Disposition of Land for Private Redevelopment (LDA) regarding St. Mary's Cathedral."

- From John L. Taylor, Clerk of the Board of Supervisors, a letter to each (City) Department Head regarding the Board's committee and regular meeting schedule in November and December. The Board will not meet during the last week of December.

- From Ladde Farfan, Coordinator, Project ABLE, San Francisco School Volunteers, to Commissioner Rabbi Martin S. Weiner, Co-Chairperson, Youth and Education Committee, declining an invitation to become a member.

- From Mayor Feinstein, a Memorandum of October 25, 1983 to All Department Heads, Commissions and Staff, reminding that all leaves must be approved by her Office and attaching procedures for leave approval.

- From Ernest H. Weiner, Bay Area Director, the American Jewish Committee, accepting Commissioner Weiner's invitation to join the Youth and Education Committee.

- FromNguyen Van Dinh, M.S.W., Program Director, Bay Area Indochinese Mental Health Project, a copy of a letter addressed to Mr. Tony Smith, Chief, Office of Refugee Services, Sacramento (744 P Street), expressing concerns and opposition to the Voluntary Resettlement Agencies' proposal for the "Case Management Program", that has been submitted for approval and funding to Mr. Smith's office.

- From Michael J. Wong, Staff Attorney, Asian Law Caucus, Inc., a copy of his letter to Mr. Dinh Nguyen (Nguyen Van Dinh, above), stating his opinion on the Case Management Program Plan being proposed by the Committee of San Francisco Voluntary Resettlement Agencies.

- From Mayor Feinstein, to Chairperson Lyon and HRC members, a review

of the 1982-83 Management By Objectives performance of the HRC, the second year of participation. She stated that the HRC performance "... reflects progress in several areas," and "..."overall, your department's MBO performance has been quite good."

- To former Commissioner Antonio Grafilo, a letter on behalf of the HRC members and staff thanking him for his service from 1976 until his retirement in September, 1983 from the HRC.

*****Director Mickins announced he will have carbons made of all of the Communications items and mail to each Commissioner, since discussion of them at this meeting was cancelled due to the Special Order.

NO REPORT FROM THE DIRECTOR

REPORT FROM THE CHAIRPERSON

- Nominating Committee.

Chairperson Lyon appointed Commissioner Yamakawa as Chairperson of the Nominating Committee to select nominees for the positions of Chairperson and Vice-Chairperson for the HRC for calendar year 1984. Serving as members of this Committee which report its nominations at the first HRC meeting in January of 1984 will be Commissioners Jung and Sevilla.

- Second Lesbian/Gay Businesses Employment and Hiring Practices Hearing.

The second of two scheduled hearings (the first was held November 7) will be held Monday, November 21 from 5:30 to 9 PM, in the State Building, Room 1194, 350 McAllister Street, San Francisco. Those who wish to testify or need further information should call Jackie Winnow or Eileen Gillis, HRC staff members, at 558-4901.

STANDING COMMITTEES

EMPLOYMENT

- Proposed Letter to Michael Deaver, Assistant to the President and Deputy Chief of Staff, The White House, Regarding Proposed Changes in Equal Opportunity Regulations for Federal Contractors. The letter (a copy of which is attached to these Minutes) states the HRC's feeling that the proposed changes would have a "devastating impact" on women and minorities, and that they would greatly weaken the U.D. Department of Labor's enforcement procedures protecting the rights of women and minorities to equal opportunity in hiring, promotions, and pay.

It was

*****m.s.c that the Director be authorized to send this letter on behalf of the HRC to Mr. Deaver. The vote was unanimous.

- Report on Department of Public Health Contractors- Mary Gin Starkweather

This Report was postponed to the next HRC meeting.

- Sexual Orientation Complaint Report for Fiscal Year.

- Lesbian/Gay Liaison's Office Annual Complaint Report on Sexual Orientation Discrimination for Fiscal 1982-1983. -Eileen Gillis and Jackie Winnow.

This Report was postponed to the next HRC meeting.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, December 8, 1983 in the Third Floor, Commission Room of the Main Library in the Civic Center at 10 AM until Noon. There will be no fourth-Thursday meeting in November as that is Thanksgiving Day, a legal holiday.

STANDING COMMITTEES

EMPLOYMENT	Thursday, December 1, 1983 9:30 AM 1860 Mission Street, Second Floor
LESBIAN/GAY ADVISORY	Thursday, November 17, 1983 5:30 to 7:30 PM
HOUSING AND URBAN DEVELOPMENT	To be announced.
SOCIAL ISSUES AND POLICE LIAISON	Tuesday, November 15, 1983 3 PM Joe Jung's Restaurant Fifth and Market Streets
YOUTH & EDUCATION	Thursday, November 17, 1983 3:30 PM State Building, Room 1200 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

ATTACHMENT 1

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

November 14, 1983

Michael Deaver
Asst. to the President
and Deputy Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. Deaver:

The current proposed changes in OFCCP equal opportunity regulations for federal contractors will have a devastating impact on women and minorities. The effect will be to greatly weaken the Department of Labor's program to deal with sex and race discrimination by federal contractors.

Although it is claimed that the regulations are designed to reduce paperwork, they would result in the dismantling of the existing enforcement apparatus which has protected women and minorities' rights to equal opportunity in hiring, promotions, and pay.

The current contract compliance program covers approximately 29,000 contractors who employ 31 million people, and involves over $80 billion in federal contracts. In the past, enforcement of the Executive Order has meant greater opportunities for women and minorities in coal mines, in construction jobs, in professional and executive positions, and in higher paying positions in education institutions. There is concrete evidence that real progress for women and minorities can be made when government mechanisms exist and are used to deal with problems of job discrimination. We feel strongly that these proposals should be withdrawn.

The Human Rights Commission at its regular meeting of November 10, 1983, voted unanimously to authorize me, on its behalf, to express these concerns. We urge your immediate and careful consideration of them.

Sincerely,

Grant S. Mickins
Director

GSM:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, December 8, 1983
Commission Room, Main Library

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NEXT MEETING

Meeting scheduled for December 22, 1983 cancelled.

DATE: Thursday, January 12, 1984
TIME: 10:15 A.M.
NOTE PLACE: Commissioner Joe Jung's Restaurant
891 Market Street
Fifth and Market Streets

NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee meetings.

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, John C. Morrissey, Richard Sevilla, Esta Soler, George Suncin, Brenda Wade, David K. Yamakawa Jr.

Excused: Joan Zamora Moulton, Rabbi Martin S. Weiner.

Staff

Present: Grant Mickins, Beatrice Cardenas-Duncan, Jack Casford, Eileen Gillis, Sid Gloria, Don Hesse, Clemente Obregon, Gail Roberts, Maria Santiago, Mary Gin Starkweather, Essie Thomas, Jackie Winnow.

PLEDGE OF ALLEGIANCE

MINUTES OF NOVEMBER 10, 1983 approved.

COMMUNICATIONS

- From State Senator Milton Marks, informing Commissioner Rabbi Martin S. Weiner, Co-Chairperson of the Youth and Education Committee, that he will, at the Committee's invitation, be naming a representative from his office to be a regular Committee member.

- From State Senator David Roberti, President Pro Tempore, a copy of a widely-distributed form letter informing on the provisions of SB 910, signed by Governor Deukmejian September 30, 1983 to become law January 1, 1984. The bill establishes an AIDS Advisory Committee, to work with the State Department of Health Services regarding prevention, public education, and the advancement of knowledge regarding Acquired Immune Deficiency Syndrome.

- From Eddie Baca, Vice-Chairman, and Leland Meyerzove, Secretary, Citizens Committee on Community Development, a copy of a letter to the Board of Supervisors urging rejection of the recommendations passed November 16, 1983 at a joint meeting of the Finance and Planning, Housing and Development Committees affecting the 1984 Community Development Block Grant Program. The Citizens Committee stated that the recommendations are "in direct opposition to the recommendations of the Mayor's Final Proposal and the findings of" the Committee. It also urged passage of the Mayor's Final Proposal.

- From Sheldon L. Greene, of Greene, Kelley and Tobriner, Attorneys at Law, to Judith Boyajian, Deputy City Attorney, advising her of postponement of a document production request in the Skycaps case.

Director Mickins advised the HRC that subsequent to the November 10, 1983 Special Order of the HRC (Skycaps Appeal Hearing), he was contacted by American Airlines, which had been coordinating the defense for some ten other airlines. American Airlines was not represented at the November 10 Appeal Hearing because it had been mistakenly informed by another appellant that the Hearing would not take place. The American Airlines attorney informed Mr. Mickins that his clients have elected to respond by filing a written memorandum noting that they were not notified by appellant Attorney Thuesen of the November 10 Appeal Hearing and/or

had been misled by which may create a procedural due process problem. Mr. Mickins also announced that the nine members of the Appeal Hearing Panel would receive on the date of this meeting copies of the American Airlines Memorandum submitted in the matter for their review so the administrative process can be concluded in January with release of the formal Decision.

- From Commissioner Richard Sevilla, Chair, Lesbian/Gay Advisory Committee, expressing the Committee's commendation of the outstanding work of Eileen Gillis and Jackie Winnow, Lesbian/Gay Community Workers at the HRC and staff to the Committee.

DIRECTOR'S REPORT

- Minority/Women Business Enterprise Hearings, Report, Recommendations, Proposed Ordinance---Black Chamber of Commerce---Mayoral Response.

The Director announced that Mayor Feinstein wrote to him in care of the Black Chamber of Commerce luncheon November 21 at which the results of the HRC's year-long investigation into MBE/WBE participation in current City contracting were presented formally. The Mayor stated that the City appreciates the HRC's initiative and efforts in this investigation, and she thanked it and the BCC for "exemplary public services to our community."

Mr. Mickins announced that an extensive public education program has been initiated by the newly-formed Coalition for Economic Equity (P.O. Box 15072, San Francisco, Ca. 94115, 931-3001) to build support for and understanding of the remedial legislation in the form of the proposed addition of Chapter 12D to the City Administrative Code (the Minority and Women Business Utilization Ordinance).

A descriptive folder giving the background and essentials of the Public Hearings, the issue, the remedies and the public advocacy steps necessary has been prepared by Ms. Aileen Hernandez & Associates of the Coalition, and sent to some 3,000 interested parties.

- Tribute by Director.

Mr. Mickins paid personal tribute to Chairperson Lyon and her colleagues during the past calendar year, noting that there had been in some months as many as four or five long appeal hearings,Public Hearings, Show-Cause Panels, and etc. He expressed special praise for Chairperson Lyon's leadership, energies, and "vast resources" of personal expertise, and said he was honored to be working with Chairperson and Commissioners. Commendation also was expressed by Chairperson Lyon and Mr. Mickins for the contributions of the HRC staff.

REPORT FROM THE CHAIRPERSON

- Honor to David K. Yamakawa Jr.

It was noted that Commissioner David K. Yamakawa Jr. had been honored at a reception given by Legal Assistance to the Elderly the evening of December 7. Commissioner Yamakawa served as President of LAE from 1981 to 1983.

- Lesbian/Gay Businesses Employment and Hiring Practices Hearing Recommendations Committee.

Two Public Hearings, November 7 and 21, were held under HRC sponsorship in response to charges that some Lesbian/Gay-owned businesses in the City have discriminatory hiring practices. Chairperson Lyon named Commissioners Yamakawa and Sevilla to serve with herself to work with the HRC staff on the recommendations to come out of the hearings. She also announced that Ruth Hughes and Marsha Seeley, members of the Lesbian/Gay Advisory Committee, would work on the recommendations, and she also invited anyone else interested to do so. Staff will arrange a meeting date.

The Golden Gate Business Association, she announced further, has distributed workforce breadkown forms (devised by the HRC staff and sent out, intially with minimal response, before the two November Public Hearings) to some 600 Lesbian/Gay-owned businesses. She said the response from the GGBA mailing had been more positive and informative. She said the response also was expected to improve when the Tavern Guild sends out its mailing.

- The Chairperson then wished all members and staff happy holidays.

- Commissioner Yamakawa said that he wished to state his personal praise for Chairperson Lyon's leadership role and energy in the past year in the work of the HRC.

He also requested that the published Agenda be altered in order to begin with the presentation on Business Development, Inc. (BDI) Employment Goals for the Southeast Community Facility Construction Project.

*****At the formal request of Commissioner Soler, it was m/s/c that this request be granted.

STANDING COMMITTEES

EMPLOYMENT
Corrine Lee and Esta Soler, Co-Chairpersons

- Business Development , Inc.s (BDI) Request for Modifying the MBE/WBE and Employment Goals for the Southeast Community Facility Construction Project.-Commissioner Soler.

Commissioners were provided a packet (assembled by Stanley Lim, HRC Coordinator, Clean Water Program) of background material, which included:

1. The HRC Employment Committee Subcommittee's Memorandum (with formal recommendations) of December 5, 1983 on its mandate to address the request of the Bayview community to have the HRC endorse the establishment of goals aimed at providing maximum employment opportunities for the community.

2. A copy of a proposed formal Addendum (applicable only to the Southeast Community Facility project) to the HRC's Affirmative Action Program for Clean Water Construction Contracts, revised March 1, 1983.

3. A full copy of the above-cited March 1, 1983 document.

4. A copy of a letter to the Employment Committee from Lon Hanke, District Manager, Associated General Contractors of California, and

5. An HRC staff Memorandum giving numbers and percentages on the availability of MBEs and WBEs in San Francisco and the Standard Metropolital Statistical Area.

Commissioner Soler introduced the presentation, which drew an audience of some 60 persons, most of them residents of the Bayview Hunters Point area, by citing the work done by the Employment Committee, its special Subcommittee (Lynn Dykstra, Denise Heick, Eva Paterson, John Scott, Barbara Thomson, and Al Williams), HRC staff Linell Harden and Stanley Lim, and Director Grant S. Mickins.

After formally moving that the HRC adopt the proposed Resolution Addendum (applicable only to the Southeast Community Facility) to the HRC Affirmative Action Program for Clean Water Construction Contracts, revised March 1, 1983, she introduced Eva Paterson.

Ms. Paterson then followed the Memorandum document prepared by the Subcommittee which the HRC members referred to and gave the following brief background: An expansion of the Sewage Treatment Plant located in the Bayview-Hunters Point area is going to include a $15,000,000 Southeast Community Facility (meeting rooms, etc.), as part of an effort to mitigate the "adverse social, political, and economic impact on the community." BDI did a study which produced various goals and timetables to help deal with some of the economic problems of the community. This led to the formation of the Employment Subcommittee, and the Memorandum with recommendations for changes in the current HRC Affirmative Action Program for Clean Water construction contracts, raising, for the Southeast Community (construction phase) Project only, them to: 38% (from 16.1%) for Minority Business Enterprise participation, and 3% (from 2%) for Women Business Enterprise participation, with a 50% residency employment requirement. Ms. Paterson noted that the Black population of Bayview-Hunters Point is variously stated at 85% up to 98%. She reviewed the eight specific questions the Subcommittee addressed in its study. She stressed that the higher goals for WBEs and MBEs were an adjustment for the Southeast Community Facility construction project only.

The Subcommittee held basically that the HRC, not the Clean Water Program, was

the agency authorized to establish and enforce employment, MBE/WBE goals and residency requirements; that there is no conflict between the goals sought and Environmental Protection Agency guidelines; that Women Business Enterprises must be part of the project; that the data from HRC research into the percentages of MBE/WBEs justifies the goals established; that the residency requirement would apply to persons in the 94124 (some in 94134) postal zip area and who have resided within the area for a period not less than 180 days at any time since October 13, 1964; that if there are not enough MBE/WBEs to fulfill the goals, the waiver procedure, which must be part of any affirmative action program, would be triggered; that there already are residency requirements in the Bay View area for contracts awarded by the S.F. Redevelopment Agency, and the Campos Corporation; and, again, that the adjustment (upward) in the affirmative action goals is a one-time exemption based on the special circumstances presented by the Southeast Community Facility Project, and that these special goals are "reasonable but should not be used as a precedent for other projects."

- Commissioner Yamakawa, the following question period, inquired why the proposed Resolution amending the HRC Affirmative Action Program for Clean Water applies the 180-day residency requirement to "any persons who have lived in the area (94124) at any time since October 13, 1964." which, he said, would make him technically eligible. Response to this inquiry was postponed temporarily to later in the meeting at Mr. Lim's request. See below.

- Commissioner Morrissey asked how the 38% MBE goals was reached (Ms. Paterson cited the population and MBE availablity surveys); and, additionally, he wanted to know if the there would be an additional cost to the Clean Water Program for carrying out affirmative action. Mr. George White, Assistant Executive Director,CWP, responded to the Commissioner by saying no costs would be added in implementing the affirmative action goals.

Stanley Lim, HRC Coordiantor for the Clean Water Program, then began his presentation by introducing Mr. Lon Hanke, District Manager, Associated General Contractors; Calvin Hayes, President, Business Development, Inc., and noted the presence of a large number of Bayview-Hunters Point community residents.

Mr. Lim addressed the contents of the proposed Resolution/Addendum to the Human Rights Commission-Affirmative Action Program for Clean Water Construction Contracts, revised March 1, 1983 (addendum applicable only to the Southeast Community Facility.)

He said that the recommendations of the Subcommittee (the increase of MBE and WBE participation goals and the extension of the 50% residency requirement) were the key points in the Addendum.

He assured Commissioner Yamakawa that the 180-day residency requirement had been ruled legal by the City Attorney. He noted that the HRC originally had set a one-year residency requirement in the Memorandum of Agreement employment in 1970. Other references to precedents for residency requirements were to the Model Cities Agreement and the Urban Renewal Programs of the San Francisco Redevelopment Agency.

Commissioner Yamakawa pressed the point of the October 13, 1964 aspect of the residency requirement section of the Addendum/Resolution, and eventually, calling for a Point of Privilege, asked for a show of hands from the audience (largely residents of Bayview-Hunters Point) if they wished to have the residency eligibility apply from 1964, for 180 days minimum. In that show of hands the audience was unanimous, save one, in wishing the section to read as drafted and present: EMPLOYMENT WORK FORCE GOALS

2. Residency Hiring Provisions g. 180 Day Residency Requirement "Residents" means persons who have resided within the covered areas for a period of not less than one hundred eighty (180) days at any time since October 13, 1984."

Mr. Lim, continuing his presentation, noted that the Addendum/Resolution contained no major modifications in the basic Affirmative Action Program document, that the essentials of that Program, as contained in pages 5 through 13, are retained. "The Program," he said, " remains intact."

He said that, procedurally, once the HRC had voted to adopt the Addendum/Resolution, it would be transmitted to the Clean Water Program, which would in turn ask for approval from the State Division of Water Quality. The next step, hopefully

in January, will be to incorporate the Addendum into the contract documents for the Southeast Community Facility Project.

He noted that the Subcommittee and HRC staff has solicited opinions on all sides of the issues involved inthe Addendum/Resolution and that this presentation was an opportunity for dissent, if any.

Mr. Lon Hanke, the District Manager of Associated General Contractors of California then addressed the HRC, giving the essence of his letter of November 2, 1983 to the Employment Committee on behalf of the AGC. He said the AGC, which has a membership of some 700 general contractors, 300 special contractors, and 900 affliates in the state of California, had between 80 and 90% of the potential bidders for the construction contract for the $15 million community building in the Bayview neighborhood as members. He complimented the action of BDI and the HRC in addressing the concerns of the industry early on, before the writing of bid specifications.

Mr. Hanke said that of the three major components of the Addendum/Resolution (MBE/WBE goals, and residency requirements) the latter "makes the most sense" as the most effective vehicle at the least cost for giving the economic benefits of the Project to area residents.

However, he said (a point he emphasized several times) that the 38% MBE and 3% WBE goals would be "very difficult to meet." He said that having the goals for participation at these levels would:

1. make it difficult to get bidders on the job

2. make certain that bidders will factor in a contingency cost to meet the goals. That is, in his words, "any restriction you put on a contract that requires additional performance, the contractor will put money in there to pay for it."

Mr. Hanke noted that in 1977 the MBE requirement, reached in negotiation between the minority contractors, the City, and the AGC, was set at 10%, no later raised to 16.1% for EPA and State-funded projects. He therefore reiterated that the AGC urges that the HRC retain the 16.1% requirement, rather than the one-time 38% MBE 3% as proposed for the Southeast Community Facility Project. Mr. Hanke said he had talked to some twelve firms that are potential bidders on the Project and that all had responded negatively (on the MBE/WBE goals aspect).

There ensued several Commissioner questions on Mr. Hanke's point that having high MBE/WBE goals increases the costs of a project. He said that MBE golas are an "additional performance" that is being required of the contractor and that his is a cost factor which tens to drive the cost of the project higher. "It is very difficult to meet those requirements," he said. Mr. Hanke said that for example if a carpet subcontract is to be bid, and the general contractor has a high MBE/WBE requirement, he is going to restrict (or be restricted to) a small number of bidders, thus narrowing the field of potential bidders. "He is going to eliminate the majority of carpet contractors, if you will," he said.

Commissioners Sevilla, Suncin, and Ambrogi pursued this point, with Commissioner Suncin asking how many contractors using MBE/WBEs have overspent their jobs. Mr. Hanke replied that there is no way to determine since bids are secret, and added "Generally in most cases, not all, you have to add something to the bid when you have an MBE requirement."

Commissioner Chung commented that he felt there is no proof that MBE/WBE requirements cause project costs to rise.

Mr. Hanke stated that most contractors don't bid for City work because of just such requirements (MBE/WBE goals).

Mr. Lim commented that in his survey of Clean Water projects over the years there had been no evidence that cost had been increased due to MBE/WBE affirmative action goals on construction projects. "In four years, " he said, " none have been overbid. I see no statistical basis for the claim that there has to be an (additional) cost factor as part ofthese programs." On all 35 of the contracts on the San Francisco Unified School District contracts for reconstruction of earthquake-proof school buildings under the Field Act, he said, every one was underbid, and this at a time that the MBE goals was 25%. Further, claimed Mr. Lim, in HRC experience with other major contracts over the years, virtually all are underbid and completed at less than estimated costs.

Commissioner Morrissey's inquiry about MBE/WBE goals for the Project had been approved because of the special nature of the Project and because of a long term commitment by the State and City Officials in response to strong Community opposition over the placement of the primary sewage treatment Facility in their neighborhood. The Community had argued that they were forever being unfairly impacted by "Butchertown slaughterhouses, Auto (Dismantling) salvage yards and

other unesthetic industries, without relieving the high unemployment rate within the Bayview Hunters Point Community. The construction of this (Mitigation) community facility was the formal commitment in order to allow the Clean Water Primary Sewage Treatment Plan to go forward within the Community. The Director reemphasized that the adjusted goals would apply on a one time basis to this project only.

It was then

*****m/s/c that the HRC adopt the Resolution-Addendum to Human Rights Commission-Affirmative Action Programs for Clean Water Construction Contracts (revised March 1, 1983) Applicable only to Southeast Community Facility. The vote was unanimous. A copy of this Resolution is attached to these Minutes.

- Lesbian/Gay Liaison's Office Annual Complaint Report, Sexual Orientation Discrimination, Fiscal Year 1982-83.-Eileen Gillis.

This report, prepared by Ms. Gillis and Jackie Winnow, Lesbian/Gay Liaison Workers for the HRC, was in narrative form with supportive statistics, and was provided in advance to each member of the HRC.

The following four paragraphs are taken verbatim from this report:

San Francisco is one of the few municipalities in the United States where sexual orientation discrimination is illegal. It additionally empowers a governmental agency to handle such complaints. In 1972, sexual orientation was added as one of the protected classes under the non-discrimination clauses in Chapters 12A, 12B, and 12C of the City's Administrative Code. Chapter 12B provides for non-discrimination in employment, housing, and public accommodations in all contracting agencies of the City and County of San Francisco and names the Human Rights Commission [HRC] as the enforcing agency empowered to investigate, mediate, and enforce anti-discrimination laws.

In 1978, the San Francisco Board of Supervisors, understanding that no federal or State-mandated protection against Lesbian/gay discrimination existed, enacted Article 33 of the Municipal [Police] Code. Article 33, commonly referred to as the "Gay Rights Ordinance", prohibits sexual orientation discrimination throughout San Francisco on the basis of employment housing, and public accommodation. Article 33 also names the HRC as the agency to investiage and mediate these complaints.

In addition, this Article, under certain circumstances, provides the District Attorney and the City Attorney with the power to obtain an injunction against the discriminatory party. A person suffering from discrimination may also seek enforcement of the provisions of this Article by means of litigation through the services of a private attorney.

Reported complaints fall into three categories: Informal, Formal and Official. Informal complaints are those reported to staff which are handled in an informal manner through speedy resolution and negotiation. They may, at a later date, become formal or official. Complaints become formal when a signed complaint from is issued and the standard and complex process of complaint investigation is pursued. Formal complaints are filed under Chapter 12A or Article 33. An official complaint is similar to formal complaints but is filed when the Respondent is a contractor with the City and County of San Francisco. These involve Chapter 12B and, due to the nature of contracts, give HRC substantial enforcement power.

Ms. Gillis reported that during the 1982 Fiscal Year, the HRC staff handled 87 complaints, 63% (55) in employment, 23% in housing, 12% involving public accomodation, and 2% other.

She said that in the first quarter of Fiscal 1983, 26 complaints have been reported. In this first quarter it required some 15 days to close a complaint case, a marked reduction from the 90 days a year earlier. By comparison, there were 62 cases in Fiscal 1981, and 53 in Fiscal 1980. The annual increase in three years averages 28%.

The increase, she said, is due in large part to greater outreach about the existence of Article 33 and of the HRC mandate and enforcement powers in the community. She said that an apparent trend has been the inrease in complaints connected

to the wide public attention to a national health problem , Acquired Immune Deficiency Syndrome (AIDS).

Ms. Gillis said that employers are charged with firing Gay male employees simply because of unbased fears of AIDS, or because fellow workers have similar unbased fears. She described a case where litigation is in process because a Gay male was fired on the ungrounded suspicion that he might have AIDS, when in fact his illness was of another origin.

After brief testimony from Ms. Winnow on this point---the impact of the AIDS "hysteria" on working conditions for Gay males in San Francisco--- it was

*****m/s/c to accept the Lesbian/Gay Workers' Complaint Report for Fiscal 1982.

Commissioner Sevilla asked that the Report be forwarded to the Mayor with a cover letter commending Ms. Gillis and Ms. Winnow on their work.

- Department of Public Health Affirmative Action/Contract Compliance Report-1982 and 1983.- Mary Gin Starkweather.

Ms. Starkweather had prepared an extensive narrative and statistical report which was provided in advance to Commissioners, with sections dealing with procedures followed in monitoring City contractors to the Departments of Public Health and Social Services and the Commission on the Aging, the Affirmative Action requirements for City contractors sample of the questionnaire on recruitment, hiring, and training practices, and a formal Affirmative Action Agreement document.

The following three paragraphs are taken verbatim from her narrative report:

During the years 1982 and 1983, HRC staff has been monitoring the contracts let through Community Mental Health Services [CMHS] and Community Substance Abuse Services [CSAS]. The CMHS contracts are awarded to various agencies which respond to community needs verying from crisis intervention, services to the developmentally and learning disabled, to residential halfway houses. The Community Substance Abuse Services are for drug and alcohol users and vary from overnight shelters to day treatment to long-term residential treatment facilities.

In 1982, staff monitored 77 agencies. In 1983, thirty-three more agencies were awarded contracts, bringing the total to 110. Thus far, twenty-nine Affirmative Action Agreements have been negotiated and signed.

Staff has been working in a cooperative effort with Department of Public Health staff on the program. Before a contract is awarded, each agency must submit a completed HRC Questionnaire on Recruitment, Hiring and Training Practices to HRC staff. A memo declaring approval or conditional approval for award of the contract is sent to D.P.H. staff after HRC staff has reviewed the workforce data submitted. If an agency is given conditional approval, improvement in their hiring practices must be evident before the contract can be renewed. At present, 29 agencies are on conditional approval.

Tables attached to the formal report showed workforce breakdowns (1982 and 1983) for the Department of Public Health contractors by ethnic designation and sex, the comparison of minority and women workers to the entire workforce for both years, the comparison (percentage) of minority workers by sex, the racial breakdown by job category, the disabled workers by sex, and a breakdown of the minority workforce, comparing the two years, by ethnic group and sex. In 1982, for example, 38.16% of the workforce was minority. This rose to 43.1% in 1983.

Commissioner Yamakawa suggested that statistics be shown that divide the workforce records of old and new contractors in order to show trends more clearly. Ms. Starkweather praised the cooperative attitude of the contractors, from whom she said she has had good response in her monitoring work.

Ms. Starkweather's report also noted that:

1. Progress has been made in the promotional efforts of Affirmative Action, with a 10% gain (from 32% to 42%) in the Officials and Managers job category for minorities from 1982 to 1983.

2. Asian/Pacific Islanders increased in the above category from 11% to 14%.

3. Blacks made the most dramatic jump of 6%, from 12% to 18%, with increases also in nearly every other category.

4. Minorities made significant gains in the decision-making and semi-skilled positions, but in middle job categories (technicians, office and clerical, etc). there were some decreases.

5. The most significant gains were made by Black and Hispanic women, but with the indication also that there is a need for more emphasis on the hiring of Asians and Hispanics.

- Commissioner Soler, with concurrence from several other Commissioners, asked if HRC staff could follow as closely as possible a uniform format in presenting data in statistical form, in order for there to be consistency in the presentation of the material, for maximum understandability of what major problems are being raised that the HRC can then address.

- Commissioner Ambrogi requested that the Administrative Committee and the Director be asked to followup on her suggestion to devise a standard format for the compilation and reporting of statistical material for presentation to the HRC. It would be helpful, he said, so the Commissioners can interpret data in terms of broader human rights goals.

It was then

*****m/s/c to accept the Department of Public Health Affirmative Action/Contract Compliance Report. The vote was unanimous.

SOCIAL ISSUES AND POLIC LIAISON
Joan Zamora Moulton-Co-Chairperson

- Recommended HRC Opposition to Senate Constitutional Amendment 2.

Jack Casford, HRC staff to the Committee, made the presetnation at the request of Commissioner Moulton, who was unable to be present for this meeting.

Copies of SCA 2 had been sent in advance to the Commissioners for their review. The Committee had met November 15 to consider a position on this measure, which was introduced into the State Senate by Senator H.L. Richardson, founder of Gun Owners of California, and the publisher of Gun Owners Magazine. The measure would, if passed by the Legislature gon on the June statewide ballot. It would have the effect, said Mr. Casford, of stripping from the Legislature the ability at any time in the future to adopt any regulations or restrictions upon the way any type of firearm is sold or purchased, owned, or used, by any person for any purpose, unless a reguation or restriction had been in effect on January 1, 1984.

The HRC has, since 1969, taken many official positions supporting reasonable measures on the national, State, and local levels to control the private possession of handguns. It supported the San Francisco handgun ordinance in 1982, an ordinance which was defeated. HRC action, taken on recommendation of the old Social Programs Committee, has been consistently in support of control measures over the years---1969, 1972, 1973, 1975, 1979, and 1982.

Of the twelve members of the Commitee polled by mail (there was no Quorum at its November 15 meeting) who responded to a mail poll, 10 voted to recommend HRC opposition, one abstained, and one voted not to recommend opposition.

It was then

*****m/s/c that the HRC oppose Senate Constitutional Amendment 2. The vote was unanimous.

CALENDAR MATTERS

- The next regualr meeting of the HRC will be Thursday, January 12, 1984, at 9:15 AM, as is traditional, at Commissioner Joe Jung's restaurant Banquet Room, at Fifth and Market Streets, followed by a luncheon for Commissioners and staff as Commissioner and Mrs. Jung's guests.

The scheduled meeting for December 22, 1983 in the Commission Room of the Main Library, Civic Center, has been cancelled.

STANDING COMMITEESS

EMPLOYMENT	Thursday, Janaury 5, 1984 9:30 AM 1860 Mission Street, Second Floor
LESBIAN/GAY ADVISORY	Thursday, January 26, 1984 5:30 to 7:30 P.M. The State Building, Civic Center Room 1200, McAllister Street entrance.
HOUSING AND URBAN DEVELOPMENT	To be announced.
SOCIAL ISSUES AND POLICE LIAISON	Tuesday, December 13, 1983 Las Guitarras Restaurant 3274 24th Street 3 PM
YOUTH & EDUCATION	Thursday, December 15, 1983 3:45 PM The State Building, 35 McAllister Street Room 1159

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attchment I

HUMAN RIGHTS COMMISSION RESOLUTION

ADDENDUM TO HUMAN RIGHTS COMMISSION - AFFIRMATIVE ACTION PROGRAM

For Clean Water Construction Contracts, Revised March 1, 1983

(Applicable only Southeast Community Facility)

In approving certain changes in the HRC Affirmative Action Program for the Southeast Community Facility Contract

1. WHEREAS, the expansion of the Southeast Treatment Plant construction was located in the Bayview Hunters Point Community (see attached map for the impacted area.)

2. WHEREAS, the State Water Resources Control Board (SWRCB) has agreed that the construction of a commercial greenhouse and skills training center as a reasonable, necessary and appropriate means of mitigation of social and economic impacts associated with the S.E. Treatment Plant expansion;

3. WHEREAS, The HRC's Employment Committee at its meeting of November 13, 1983 appointed a subcommittee to study the community's request to increase existing employment Minority Business Enterprise (MBE) and Women Business Enterprise (MBE) participation goals.

4. WHEREAS, the Subcommittee met and received testimony from representative 's of the Bayview-Hunters Point community, Minority Contractors , Association of General Contractors (AGC), the Clean Water Management, and the HRC staff, and has concluded that as a mitigation measure it is justified to modify the employment and MBE/WBE goals for said contract; and

5. WHEREAS, minorities represent an aggregate of about 38% of the San Francisco-Oakland Standard Metropolitan Area and minorities constitute 85% of the Bayview-Hunters Point community, where the mitigation project is to be located, and there are sufficient MBEs and WBEs available to make higher goals attainable; and

6. WHEREAS, the unemployment rate in the Bayview-Hunters Point community is believed to be in excess of 60%; and

7. WHEREAS, from November 1970 the HRC was a member of the Administrative Committee to supervise the implementation of the Memorandum of Agreement, - a tripartit agreement approved by the AGC, the SF Building Trades Council and the community which when it was in effect, required that all contractors to use their best efforts to recruit no less than 50 of the work force from the residents of BVHP area.

8. NOW, THEREFORE, BE IT RESOLVED that the following goals be established during bidding and construction of the Southeast Community Facility contract:

Residency employment participation: 50%

Minority Business Enterprise participation: 38%

Women Business Enterprise participation: 3%

BE IT FURTHER RESOLVED that the HRC Affirmative Action Program as applied to the Southeast Community Facility contract be amended as follows:

A) Part I, Page 5, Sec. 3(a), DELETE this section, and SUBSTITUTE the following:

"a. The bidder is required to take affirmative steps to ensure the utilization of minority contractors and minority truck owners and operators, directly or through joint venturing. A goal of 38% of the bid amount is established for the Southeast Community Facility contract."

B) Part I, Page 5, Section 2, DELETE, add:

2. ESTABLISHING GOALS FOR EQUAL OPPORTUNITY IN ENTREPRENEURSHIP:

These goals established to ensure equal opportunity to entrepreneurship in City construction were based on such factors as: a) Current minority and women contractor participation in City contracts; b) Projected availability and bonding capacity of minority and women contractors in the area; c) Testimonies and other research data athered by the staff of the HRC, the EPA and Business Development Incorporated (BDI).

C) Part I, Page 6, Sec. 3(b), DELETE this Section, and SUBSTITUTE the following:

"b. As an additional requirement to 3a, a WBE goal of three (3) percent is established for this contract. The WBE goal shall be in addition to the goal set for MBEs above."

D) Part I, Page 10, Section DELETE, and SUBSTITUTE:

17. Bidders should not depend on deletable bid items to fulfill MBE/WBE goals. Should any, or all, of said bid items be deleted prior to the award of the Contract, the sucessful bidder will nevertheless be required to comply with 38% MBE and 3% WBE goals for the actual awarded amount of the contract unless compliance with Section 18 has been at the time of bid submissions.

E) Part I, Page 11, Sec. 18(2), DELETE this Section, and SUBSITUTE The Following:

18(2) The bidder has submitted to the HRC documentation that the initial request for assistance to the appropriate EPA/DWQ MBE/WBE assistance center was received at least five (5) working days prior to the need for referrals.

EPA/DWQ/ MBE/WBE assistance centers are:

Business Development, Inc.
1485 Bayshore Blvd., Suite 352
San Francisco, Ca. 94124
Telephone (415) 468-2200

Homitz, Allen & Associates
Suite 540
235 W. MacArthur Blvd.
Oakland, Ca. 94611
Telephone (415) 658-8750

Homitz, Allen & Associates
Suite 3
4903 W. Pico Blvd.
Los Angeles, Ca. 90016
Telephone (415) 934-8878

F) Part II, Page 14, EMPLOYMENT WORK FORCE GOALS, Sec. 1, 2, 3 and 4, DELETE these Sections, and SUBSTITUTE the following:

PART II

EMPLOYMENT WORK FORCE GOALS

1. In accordance with Sec. 12.B.4 of the San Francisco Administrative Code, in order to be eligible to bid or have a bid considered for the works of improvement contemplated by this contract, each bidder shall execute Attachment I and submit with its bid as acknowledgement of the Affirmative Action Program.

2. Residency Hiring Provisions

   a. In order to further the HRC plan to improve the community both physically and economically, the contractor agrees to the establishment of a goal that at least 50 percent of the workforce hours used on a craft-by-craft basis in the construction of the Southeast Community Facility contract shall be allocated to residents of the Bayview-Hunters Point neighborhood, hereinafter referred to as "the covered area" and defined at that portion of the City and County of San Francisco bounded generally by the area South of Army Street to the San Francisco County Line and east of Bayshore Boulevard to the San Francisco Bay (see attached map).
   The intent of this provision is to channel employment and economic benefits of the Southeast Community Facility into the local community so as to economically assist the residents of "the covered area."

   b. The "work force" used to perform this Contract shall include mechanics, laborers, equipment operators, drivers and any other work of any grade or classification usually required by a construction trade contractor or subcontractor to construct alter, improve, repair or demolish any real property or any structure or attachment on real property as required by this Contract.

   c. The 50 percent work force composition shall be maintained on a craft-by craft basis. "Craft" means that type or types of work or workers which singularly or collectively fall within the jurisdictional control of a single trade or labor union as recognized by the United States Department of Labor.

   d. The emplcyment goal for women participation shall be maintained at 7-9% on a craft-by-craft basis.

e. Any employee, owner-operator, owner-driver, subcontractor or principal operating equipment or supplying labor, is to be considered as part of the work force used to perform this Contract as long as the work involved is related to contract.

f. The Contractor's management personnel (those not operating equipment or supplying labor), material suppliers or those employed by material suppliers for the purpose of manufacturing or faricating supplies shall not be considered as part of the work force.

g. 180 Day Residency Requirement

"Residents" means persons who have resided within the covered areas for a period of not less than one hundred eighty (180) days at any time since October 13, 1964.

h. Workforce Reports

The Contractor shall submit a bi-weekly workforce report and certified payroll documents to the HRC to demonstrate compliance with workforce goals.

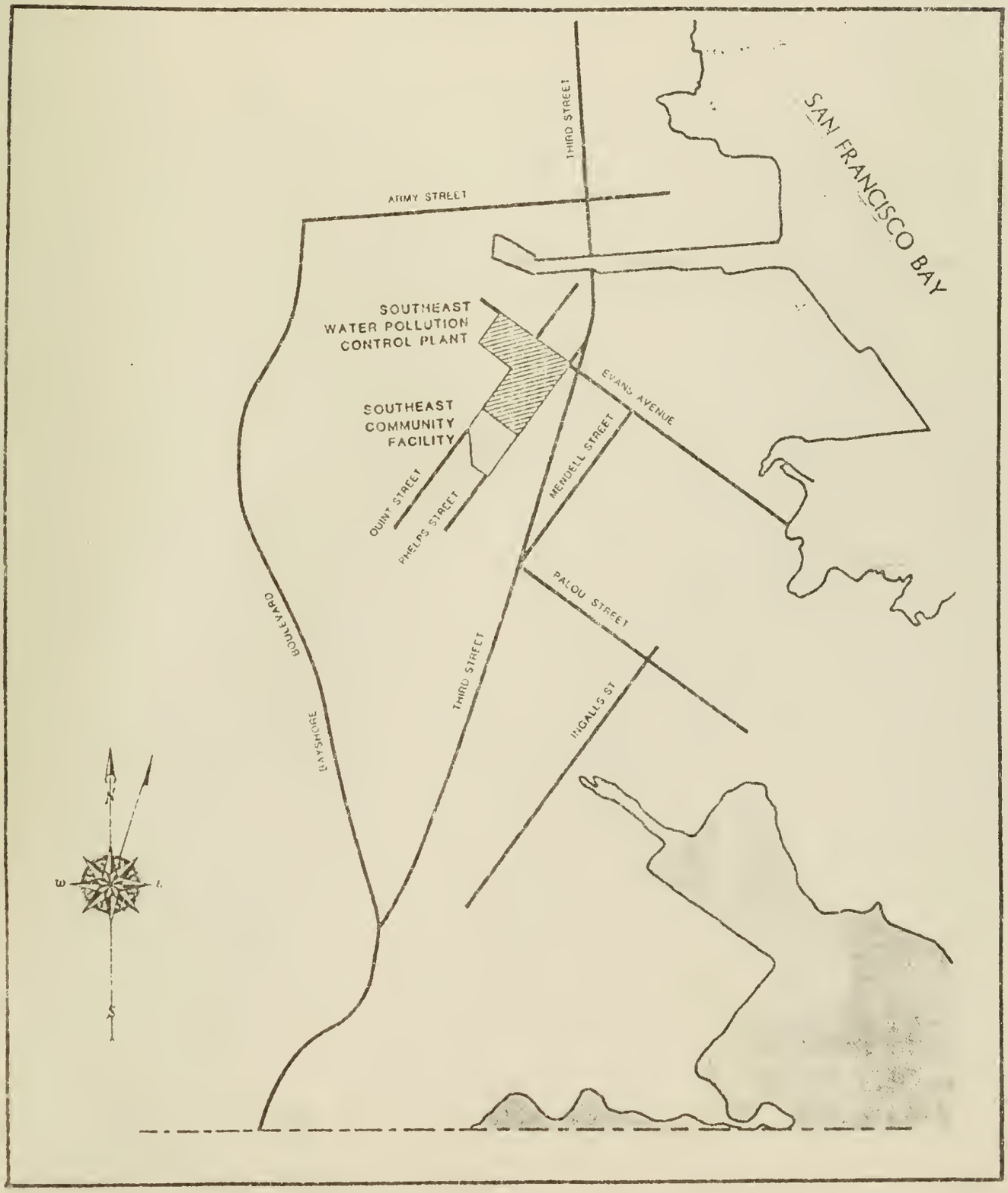
3. Deficiencies

This provision shall apply if the Contractor is unable to meet the above-stated workforce goal with foreperson and journey level workers. As part of the good faith best efforts required to meet said goal, the Contractor shall hire resident apprentices or trainees to the maximum extent feasible or as permitted by collective bargaining agreements.

4. Contractor Responsibility for Hiring and Training

The Contractor will use good faith, best efforts and will have the total responsibility for initiating and carrying out a residency hiring and training program. Amongst other efforts the Contractor may utilize community group to recruit residents, minorities and women for apprenticeship training for the recruitment of apprentices on this project to the fullest extent provided by any collective bargaining agreement or other contract understanding to which the contractor is a party.

G. PART II, Page 17, Sec. 11, DELETE this Section

Resolution 9-83
Adopted by the HRC 12/8/83

BAYVIEW-HUNTERS POINT COMMUNITY:
AREA SOUTH OF ARMY STREET TO S.F. COUNTY LINE AND EAST OF BAYSHORE BOULEVARD TO S.F. BAY